DOCUMENT RESUME

ED 159 243 UD 018 441

TITLE	The Advocate: The Need for Advocacy; Case Advocacy; Issue Advocacy; Legislation and Regulations: Consumer Rights; Where to Find Information and Assistance Related to Child Advocacy and Social Services.
INSTITUTION	Advocates for Children of New York, Inc., Long Island City.
PUB DATE	77
NOTE	40p.
JOURNAL CIT	The Advocate; Win 1976/77
EDRS PRICE	MF-$0.83 HC-$2.06 Plus Postage.
DESCRIPTORS	Case Studies; *Child Advocacy; Elementary Secondary Education; *Handicapped Students; Laws; Legal Aid; Parent School Relationship; Privacy; Referral; School Services; Social Services; Social Workers; *Student Records; *Student Rights; *Student School Relationship
IDENTIFIERS	*New York

ABSTRACT

In this journal issue, the need for child advocacy and the roles of advocates are examined. The Statewide Youth Advocacy Project is explained. Case studies illustrating the role of the advocate as mediator between parent/student and school authorities are presented. The question of how parents and students secure their rights by appeal is discussed. The problem of exclusion of children from public schools is examined in terms of both suspension and internal exclusion by use of inappropriate curricula. Community schools, school mental health services, a school-run special education program, and community school board elections are also discussed. Legislation and regulations, both Federal and State, relating to the rights of handicapped students are outlined. The principle of least restrictive environment, the system of due process appeal, and the Individual Educational Program are explained. A calendar of compliance with the law on the handicapped is given. The role of Committees on the Handicapped is described, including information on the referral process. Parents' and students' right to access to school records is illustrated with case studies. Federal and State laws on family rights are outlined, as are New York City regulations. Finally, a guide to procedures is given for social workers/case advocates. (MC)

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A publication of ADVOCATES FOR CHILDREN OF NEW YORK, INC.

The Advocate

. . . Dedicated to the protection of every young person's right to a suitable education . . .

WINTER ISSUE, 1976/77
29-28 41st Ave., Long Island City, N.Y. 11101, Rm. 508
(212) 786-9100

ED159243
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*We wish to express thanks to our guest writers for their contributions to The Advocate.

ADVOCATES FOR CHILDREN OF NEW YORK, INC.

THE FORMAL MERGER OF QUEENS LAY ADVOCATE SERVICE AND ALTERNATIVE SOLUTIONS FOR EXCEPTIONAL CHILDREN PROVIDES A WELCOME OPPORTUNITY TO REDEFINE THE GOALS AND TASKS WE HAVE SET FOR OURSELVES AS ADVOCATES FOR THE YOUNG PEOPLE OF NEW YORK CITY AND THEIR FAMILIES WHOM WE HAVE BEEN COMMITTED TO SERVE FOR THE LAST SEVEN YEARS.

NEED FOR ADVOCACY

THE NEED FOR ADVOCACY

By MIRIAM THOMPSON, Director of Advocacy Services

Advocacy is the belief that young people, as any stage of their development, have a fundamental and enriching role to play and contribution to make to their own lives, the lives of their peers, and the lives of the community in which they live, work and learn. Advocacy is a constant reminder to child care providers, including educators and parents or persons in parental relations, that young people have a right to fully develop their contributing and participatory role particularly in that institution society vests with the responsibility to educate, socialize and prepare for citizenship - the public education system.

At the same time, advocates are parent's rights protectors. Numberous City, State and Federal laws entitle parents and/or guardians to participate in the decisions tha affect the lives of their children. These same laws confirm their right and power to confront and influence system managers with whom society places so much control over the lives of young people.

Advocates articulate the values and hopes of their constituents, Advocates as protectors of the powerless, challenge, negotiate monitor, and evaluate how well the various child care systems serve the young. Advocates draw from their extensive case experience class issues with which they seek to influence and help frame public policy. How do we implement these heavy roles we have defined for ourselves?

1. We train ourselves in the laws that have an impact on young people - particularly education laws, for we work primarily in the largest child care institution - the Public School System of New York City.

2. We help train others in community organizations and agencies to strengthen their skills as advocates for their constituents.

3. We constantly seek to sharpen our paralegal, social work and political negotiating case advocacy skills to ensure a more meaningful and responsive educational experience for the approximately 600 families we serve each year. Many of the young people who reach out for our service have been suspended or excluded from school.

4. To support our individual case and class advocacy objectives, we actively pursue public policy and systems change through legislative intervention, litigation, extensive participation in, and leadership of, citizen advisory commissions and task forces, and our own published research documents.*

5. We identify and seek out allies, build coalitions and mobilize these expanded resources to support and secure our goals.

*Published material on Special Education, Attendance, and Dropouts can be obtained by writing to our office. (See also WHERE TO FIND column in this issue.)

STATEWIDE YOUTH ADVOCACY PROJECT

The New York Civil Liberties Union & Advocates for Children recently launched the Statewide Youth Advocacy Project, based in Rochester, which seeks to expand the rights of youth to quality public services. The project hopes to provide communication, coordination and training back-up to community groups and attorneys active in the areas of education rights and juvenile justice.

ERRATA:

Pg. 2	col. 1	1st pp.	line 2	"at any stage...."
Pg. 2	col. 1	2nd pp.	line 2	"numerous"
Pg. 5	col. 2			"Case History - Frank R"
Pg. 19	col. 1	line 6 should read:		Henrik N. Dullea, Asst. Secretary to the Governor for Education and the Arts, Executive Department Capitol, Albany, N.Y. 12224
Pg. 20	col. 2	3rd pp.	last line	"excessed"
Pg. 25	col. 1	#3		"The services needed by pupil without regard to..."
Pg. 26	col. 1	pp. d	line 6 and line 10	"30 work days"
Pg. 27	col. 1	pp. 4	line 5	"...if they (parent) disapprove of the placement..."

Project Staff will conduct training sessions for groups outside New York City; conduct research into school exclusion; promote a statewide campaign to inform the public of their rights to education; promote actions to remedy the problem of school exclusion and the alarming increase in drop-outs and pushouts.

Requests for assistance and information should be directed to the Project office at 429 Powers Building, Rochester, N.Y. 14614 (716) 454-5419, 4334.

Eve Block, Director
Laron Warboys, Project Attorney
Jenny Covill-Servo, Research Coordinator

CASE ADVOCACY

CASE ADVOCACY

The range of cases represented by our staff of child advocates reflect major societal injustices: unserved or inappropriately served children with special needs; families disrupted and disorganized by discrimination, poverty, political inaccessibility and powerlessness; inappropriate, inaccessible and often demeaning health, education and welfare delivery systems. Without the presence of an advocate, our experience has documented procedural and substantive violations of the rights of young people to a suitable education and complementary support services, resulting in excessive truancy, drop-outs (push-outs), alienation, frustration and often defeat. Often an advocate is the last outpost when existing channels of communication between providers and consumers have broken down. The intervention of an advocate has helped change professional attitudes, supported the young person in his or her community, restored family unity, hope, esteem, and a belief that at least some important decisions are within their capacity to control and influence. Of equal or greater importance is the advocate's affirmation and confirmation of the family's strengths, creative and adaptive responses which have too often been ignored or scorned by professionals or those who wield greater power.

CASE STUDY - MARY J.

GLORIA STEIN, ADVOCATE

A parent who had been informed in June that her 12 year old daughter would not graduate because she had scored two years below grade level on a recent citywide reading test sought our assistance shortly before school was closed for the summer.

This youngster had been a student in the same school since 1st grade; had done well in school; had never failed any subject, but had, at the end of her fourth year, been referred to a remedial reading class and her mother had been told to help the child with reading at home. The parents had believed that their child was doing well in school. This belief was based on the periodic reports they received from school through the regularly scheduled report cards sent home to parents. The parents, fortunately, had saved all the report cards and were able to show them to the Advocate to confirm that their daughter was doing well in school. The marks on the report card in all subject areas were mostly "good," some "fair" and a few "excellent"; there were no failures.

The threat of being held over, particularly when her friends and classmates were moving ahead to a junior high school, was extremely disturbing to the child and her parents. Inquiries at the school brought the information from the principal that although he thought the student could do junior high school work and had recommended her for promotion, the receiving junior high school refused to accept the youngster. At that time, it was believed that this refusal was based solely on the low reading score.

The advocate arranged a meeting with the principal for the purpose of reviewing the student's record. Despite the objections of the principal, the mother and advocate reviewed the entire record and painstakingly compared the grades on each report card with the appropriate entries on the cumulative record card. We found nine instances where the grades on the cumulative record were below the grades on the report cards. We then realized that the receiving junior high school was probably making its determination

based on the reading score and apparently erroneous data.

The Board of Education is very explicit about determining student's ratings and the procedure for recording them as outlined for the teachers in a Manual of Directions, Pupil's Cumulative Record Card for Elementary Schools. It clearly states that,

> All rating on the cumulative record card should be in consonance with the pupil's ratings on report cards and present a picture of the pupil at the close of the period for which the card is being marked.

Our appeal to the District Superintendent requested that the youngster's cumulative record be changed in accordance with her report cards and that she be graduated to junior high school. It was then that the representative of the Superintendent raised the issue of the low reading grade and told us that it was the policy of that district --based on a directive of the Chancellor-- not to give any student scoring below grade on a uniform reading test a "good" or "excellent" rating, nor to promote them to the next grade if they were more than one year below grade.

After careful study of all the Chancellor's circulars regarding the guidelines to be used in the placement of pupils and reviewing the findings of a special Task Force created to help school authorities to understand and implement the guidelines established by the Chancellor, we found that nowhere was the mandate to retain every child who was one or more years below grade in reading. The placement and promotion of students was to be based on all available data including the teacher's judgment of achievement, creative ability, standardized test results, social maturity, emotional and physical health, attendance record and other evidences of growth.

After a series of appeals by the advocate to the Superintendent, the Community School Board and the Chancellor, and evidence that the parents would take steps to help improve the reading skills of the child by attendance at a summer program reading clinic, the youngster was promoted to the 7th grade in the proper junior high school. The child is presently doing well in school and working on grade.

CASE STUDY - JOHN G.

MARY JANE CANNON, ADVOCATE

In February, Mrs. G. was referred to our office by the New York Civil Liberties. Her son, John, had just been arrested in school for an alleged assault in school the previous November. Mrs. G. had an appointment for a pre-suspension hearing the following day at 9 A.M. Mrs. G. reported that until this incident she had never had any school problems.

The G's are an intact, upwardly mobile, family; both of the parents work. While the children were in Elementary and Junior High School, Mrs. G. was an active Parents' Association member and volunteer in the schools. During that time, she had contact with a wide range of parents and students and it was her feeling that many problems stemmed from uncooperative parents who did not support the schools' right to exercise authority. John was an attractive sixteen year old. His future plans included college. One of his siblings had graduated from college, two others were attending college.

The morning of the pre-suspense meeting, advocate and parents met at the school at nine. We were informed no one would see us until ten. At the advocate's insistence the conference began at 9:20 with a dean who seemed uncomfortable with the advocate's presence. Two incidents, one involving smoking, the other an I.D. Card, were on John's record. Neither had been reported to the family. The advocate wrote the Principal asking to have the anecdotal record expunged. He replied by return mail saying the record was expunged but he was suspending John for the alleged incident back in November.)

The dean had no explanation as to why it had taken more than three months to identify John. The complaining student, George, had been called to the Dean's office in February and asked to identify the five or six students who had assaulted him. The only one he picked out was John - and when John was brought in, George said "no, that's not one

of them." John returned to class, was called for again and then arrested. His parents were not notified until after the arrest. The dean stated that even if John were found not guilty in court, the school could suspend him. The dean stated the principal would be in contact with Mrs. G.

The advocate advised Mrs. G. as to the need for a lawyer in the court proceedings because the case would be heard in Criminal Court. The Advocate called the Principal and persuaded him to reconsider the suspension until the conclusion of the court hearing. She pointed to John's good record, the delay in identifying John (4 months) and the questionable nature of the alleged victim's identification and account of the incident.

The court proceedings involved four appearances in court and the case was dismissed in September.

During the time from February to September the advocate maintained close contact with John's lawyer and his family. She facilitated the flow of messages between the attorney and John and served two subpoenas at the school (one to the school guard - the other to a teacher whose roll book documented that John was in his class at the time of the alleged assault.) She went to each court session at the request of the attorney and Mrs. G., who would not be paid if she were not at work.

The case was dismissed because George's identification of John was very much in doubt. George testified that he and John had been in the same gym class from September through the January after the incident. This was not so. George and John were in the same gym class for only two weeks prior to the arrest. In addition, each time George reported what had happened there were substantive changes in the story, at one point about 10 boys attacked and assaulted him, at another four boys.

This case raises questions as to how some schools deal with reported provocative incidents and how credible they are. Why did the school not check its official records and determine where John was at the time of the incident? Why was nothing done for more than four months? Why were the police brought in and John arrested before John's parents were notified? (This is a violation of Board of Education procedures.)

Recent contact with the family indicates John is doing well, despite the precipitous actions taken by the school without careful investigation and despite wrongful and unnecessary exposure to the Criminal Justice System.

CASE HISTORY - LOUIS S.

CLAUDIA BUTLER, Advocate

Mrs. R. was referred to us November 5, 1976. She had moved from Staten Island to Manhattan and faced two problems. She could not find an appropriate educational placement for her six year old handicapped son, and she was unable to find a mental health clinic that was accessible.

Mrs. R. informed me that Frank had been an out-patient at Staten Island Mental Clinic from the age of 2½. During his pre-school years he attended Staten Island Special School for Learning Disabilities until June, 1976. In September he was supposed to attend first grade in a public school. However, Mrs. R. moved and tried to register Frank in his zoned school in Manhattan. He was refused registration because the principal did not feel the school could meet his special needs. We agreed I would check the boy's last school to determine what referrals were made.

Mrs. R. stated she had also tried to receive emergency treatment for Frank at St. Vincent's Child Psychiatric Clinic. She was refused and told to go back to her clinic in Staten Island, despite the physical and emotional strain on the parent and child which extensive traveling imposed. After discussion Mrs. R. decided to contact her social worker in Staten Island asking for assistance in obtaining a referral to a Manhattan clinic.

My calls to the school and district informed me that Frank's case had been referred to the local Evaluation and Placement Unit. Frank was finally placed in a pre-placement class at St. Vincent's Hospital in Manhattan after I interceded on his behalf.

Transportation, however, was another problem to overcome. The mother was paying for taxi

service at $5.00 per day. Three weeks later, after my frequent calls to the Transportation Bureau, bus service was provided. The last hurdle in our efforts to secure an appropriate education-treatment plan for Frank was mental health support services.

The mother was still traveling to the Staten Island Clinic. We obtained a referral to the St. Vincent's Child Psychiatric Clinic--a logical choice for the delivery of mental health services since the pre-placement class was located in the same facility. When we called St. Vincent's to follow up the Staten Island Clinic's referral, we were told that they would not accept the family. The mother, they claimed, had previously applied and had missed two appointments. The mother explained she missed one appointment because she was ill and another because she had a welfare hearing. Her request for a rescheduled appointment at the Clinic was denied. The clinic's social worker further stated Frank's records indicated he might need hospitalization at a later time and so he would be better served at Bellevue Hospital-(again requiring traveling, strain on the mother and the child whose education program would have to be disrupted). Further, we argued, the clinic's apparent behavior was, if anything, insuring the child's institutionalization. They were precluding the possibility of at least exploring a preventative, positive and concentrated education-treatment plan.

We contacted the pre-placement teacher and the Department of Mental Health for assistance. The boy and family are now receiving educational and clinical services at the hospital site.

CASE STUDY - FRANK L.

GLORIA STEIN, ADVOCATE

In June of 1976, a parent of a nine year old child we helped place in a class for the Emotionally Handicapped (CEH) returned to our office to complain that the program's teachers called her constantly to complain of her child's behavior. The mother felt frustrated. She had complied totally with the program's clinical team in obtaining outside psychiatric counseling. Her child continued to express a deep desire to go to school. She felt a program which she was advised would provide an education-treatment plan was inadequately serving Frank's needs.

The advocate initiated a conference with the CEH supervisor, clinical team and parent. Agreement was reached to transfer Frank in September to another class - preferably with a male teacher. The new placement would be monitored closely. The clinical team would keep in close touch with the family's outside clinician.

Unfortunately in September, the supervisory and clinical staff were replaced and Frank was returned to his original class. The Advocate, upon the mother's request, contacted the new supervisor. A new class for the more severely disturbed child had opened. At an intake conference, the teacher expressed reluctance to accept Frank; it was noted that the class population was much younger. Frank was transferred to another class in another school with a male teacher.

Soon after he was suspended for hitting a substitute teacher, who the child complained harassed him. The Advocate and parent emphasized that special education staff and clinical support services should have the capacity to cope with Frank's difficulties. Suspending a child for the behaviorhal difficulties he was assigned to the program to remedy, seemed an unfortunate response. Indeed, the mother felt, the only other response of the staff was to call her constantly at her job to come to school.

Both parent and advocate have asked for a hearing before the district Committee on the Handicapped to find an alternative placement in which a more appropriate individualized education treatment plan can be secured for Frank. (See Committee on the Handicapped article in this issue.)

CASE STUDY - KEVIN C.

PRISCILLA HOWE, ADVOCATE

Early in the spring term of his senior year at Samuel Gompers High School, Kevin

C. was in a fight at the school. He was in the lunchroom when he should not have been there. The student monitor questioned him and then grabbed him around the neck. Kevin panicked and punched the monitor. He was frightened by what he had done and he ran out of the school and went home. He lived with his invalid mother who was completely dependent on him. Kevin stayed out of school for several days after the incident, but his mother did not question him. His older, married sister had always kept an eye out for him, even though she lived at another address and had a family of her own. It was she who persuaded him to go back to school with her and it was she who called our agency. (She was referred to us by United Parents Association.)

Kevin's antagonist had pressed charges in court, and Kevin was given a Superintendent's suspension by the Board of Education.

He and his sister came to our office for a lengthy interview with an advocate and our attorney. We went over every detail of the incident. We were impressed with Kevin's presentation and with him. He was a fine young man; he had a good record in school, no previous incidents, and he had applied for college in the fall.

In spite of these very positive signals (and an indication from the student monitor that he would probably drop charges when the case came before the court), we advised Kevin to accept the option of a transfer to another school. In our opinion things would not go well for him at a full dress hearing at the Board of Education. Kevin had clearly assaulted the student monitor and the assault had been well documented by the school.

Kevin and his sister resisted the idea of a transfer. For a while we thought their reason for resisting was that it seemed like a surrender; but we discovered that they were only resisting the specific options that had been offered to Kevin. He had been offered a package of two separate programs: Chelsea daytime shop, and Roosevelt evening school.

The advocate worked with the Hearing Officer at the Board of Education and effected a transfer to Chelsea Vocational High School as a full-time student. At Chelsea, Kevin kept to himself and did his work. The advocate kept in touch with his progress by calling the guidance counselor every couple of weeks. In June, Kevin received his diploma.

In the natural course of events we requested a copy of Kevin's school records. We wanted to be sure there was no mention of the suspension on his permanent record (which follows him throughout his career) since the young man had paid heavily enough for the consequences of his momentary act. We noticed there was an unsigned notation for his 7th grade year under the heading "Personality Profile" which read: "Kevin is a sensitive child who wants to do well. However, he is not mature enough to excel as yet." We appealed to the Chancellor to have these comments expunged from Kevin's record on the grounds that they were inappropriate for a permanent record, and that they were out of date and misleading. We won our appeal to the Chancellor pursuant to Regulations of HEW governing the Family Rights and Privacy Act of 1974 (commonly referred to as the "Buckley" Bill) which provides for appeals of violations. Advocates and Consumers should also be aware that complaints and appeals can be directed to the HEW Review Board:

Mr. Thomas McFee
Room 5660
Department of HEW
330 Independence Ave. S.W.
Washington, D.C. 20201
(202) 245-7488

AN INCIDENT AT LONG ISLAND CITY HIGH SCHOOL A LESSON IN DEMAGOGY

Last spring a young Black woman, a senior at Long Island City High School, went to the school office to pick up the mail for one of her teachers (she was a mail monitor). While waiting for the mail, she leafed through a copy of Ebony magazine which was lying on the office counter. The school secretary became irritated and told the student that if she wished to read, she should go to the library. It is alleged that a verbal altercation ensued. Two days later (when she had gone to the office to pick up the mail again) the student was called in by Dr. Howard Hurwitz, Principal of the school. He told her that

she was being expelled by the Superintendent; that she was to leave the school immediately. The student complied with the Principal's directive and left the school.

Dr. Hurwitz's expulsion of this student violated both the law and Board regulations. A principal cannot expel a student. A principal has no authority to suspend a student except for an emergency and then for no more than 5 days. A suspension of longer duration, or a transfer or exclusion, can only be ordered by a Superintendent (which still requires a fair hearing within 5 days). In this case, the Superintendent refused the Principal's request to suspend the student because there was insufficient cause.

In the past Dr. Hurwitz has improperly expelled and transferred students from his school. Even when they were aware that the exclusion or transfer was improper, students have left the school out of fear of recrimination. However, this young woman and her family decided they wished her to remain in school where she had been since the 10th grade, where she had friends, was in the orchestra; and that it would make no sense educationally for her to transfer to another high school

The student's determination to exercise her legal and educational rights set off a furious over-reaction from Dr. Hurwitz. He defied his superior's directives to allow the student to enter the school, barring the student at the door; using the police and threats of arrest to support his illegal actions. He conducted a campaign of villification and defamation against the student, quoting out of context and distorting her confidential school records. When he was suspended by the Chancellor, he defied the Chancellor, the Board of Education, and a court order, and refused to leave the school, causing the school to be closed and a major disruption in the community. His supporters, who had been misled by Dr. Hurwitz and the credulous media into believing that this student represented a threat of violence (she had in fact never even been accused of a violent act and had never been in a fight in Long Island City), attempted to close the school for three days, and harassed the student when school officials brought her into the school.

As a result of his actions, disciplinary charges were brought by the Chancellor against Dr. Hurwitz. He was afforded a full due-process hearing before the Honorable Charles Gold at which he was represented by counsel provided to him by his union, the Council of Supervisory Associations (C.S.A.). On December 15th the Board of Education issued its decision on these charges.

The Board found that the Principal "knowingly, intentionally, and without legal justification directly disobeyed his superiors and imposed the fine of $3,500 which had been recommended by the hearing officer.

In its decision the Board sustained completely nine of the specified charges against the Principal and sustained in part four other charges. The specifications sustained include the following:

1. That Dr. Hurwitz sent a letter to the student's parents advising them that their daughter was suspended by the Assistant Superintendent, when he knew that a Superintendent's suspension had not been authorized and had been advised by the Superintendent's office that a suspension was not warranted.

2. That when the Assistant Superintendent orally directed that the Principal re-admit the student at the end of a five day period which would have been allowed for a Principal's suspension, Dr. Hurwitz responded that he "would refuse to admit the student." (Editor's note: In fact, there was never even a valid Principal's suspension in this matter. The "incident" did not justify a Principal's emergency suspense. Further, the Principal's improper actions voided the suspense; the so-called "Principal's suspense" was appealed by the student's attorney, and was ordered expunged by the Superintendent.)

After the termination of the five day period, Dr. Hurwitz defied a written directive and subsequent directives from the

Assistant Superintendent to re-admit the student and to attend meetings at the Assistant Superintendent's office to discuss the matter. In a conversation with the Assistant Superintendent he stated that he would "rally all the support forces "that he has in Long Island City High School; ask the community to support his position and his right to keep the student out of the school."

3. That on March 22nd when the student was accompanied to Long Island City by an executive assistant to the Assistant Superintendent, their entrance was blocked by police under orders from Dr. Hurwitz. Dr. Hurwitz was present at the entrance of the school and stated he would not permit the student to enter. In a subsequent telephone conversation with the Assistant Superintendent, Dr. Hurwitz stated "in loud and abusive tones" that he despised the Assistant Superintendent. As testified to by the Assistant Superintendent, "He (Dr. Hurwitz) said that he despises me. That his contempt for me is almost inexpressible. And that he based this on the fact that I had sent the student, who is Black, to Long Island City High School accompanied by my executive assistant who is also Black. With this he said that I was attempting to make this a racial incident." (Editor's Note: In fact, the executive assistant in question is permanently assigned to the Superintendent's Office; she of course assists him with matters involving white and Black students. Last year, when Dr. Hurwitz refused to allow an issue of the school newspaper involving student rights to be distributed and the student editor, who was white, appealed to the Board, it was the same executive assistant who was sent to the school to distribute the issue.)

4. That Dr. Hurwitz made statements to an unauthorized person regarding confidential aspects of the student's school records; that he told the same person that "(the student) should have no reason to come back to Long Island City High School since she would never pass anything, because I am the chief rating officer, and that (the student) would never enter this school as long as I am the principal."

In its decision, the Board of Education summarized the basis for the decision as follows:

> To determine the seriousness of the offense it must be considered in the light of the role of the respondent and the obligation imposed on him by his position. The principal is the leader of his school; he teaches not only by precept but also by example. The obligation of this respondent to his superiors is clear. Indeed if we may take judicial notice of the many newspaper articles and other media reference, this respondent rests a good part of his professional reputation on his ability to secure discipline and adherence to rules in the school. Discipline in its broadest sense reflects personal commitments to be bound by rules of society. <u>It is wrong to expect one standard of conduct from teachers and pupils but to ignore that standard for principals.</u> It is important to note that a principal has the authority to maintain the educational process in his school. Such authority is called into question only when his conduct is such as to necessitate his superiors' interceding to protect the rights of students and to insure the proper functioning of that school.

This case is a victory for the rule of law, although it was a limited triumph. Despite his hysterical defiance, Dr. Hurwitz backed down and the student returned to school and finished the term at Long Island City. The Principal organized a campaign of public pressure in his support, vilifying by name-calling each individual who challenged him; thus, the student was "disruptive," her attorney "a meddlesome poverty lawyer," the hearing examiner 'a hatchet man'; he "despises the Assistant Superintendent for whom his 'contempt' is "inexpressible," and finally, after the fine was imposed he announced to an assembly of 700 of his students that he "despised the Board of Education for having ruined education in the City of New York."

In the face of public and political pres-

sures, the Board officials followed through laboriously with the charges and, after granting Dr. Hurwitz all the due process protections that Dr. Hurwitz regularly denies students, held him accountable for his lawlessness.

Unfortunately, in the process, the student and her family suffered extensively. The student was maligned in the media; she was assailed by outsiders occupying the school. When she returned to school she was harassed, not by the students with whom she never had any difficulties, but by the Principal and his immediate assistants ... who took her out of the orchestra, refused to allow her to attend graduation cermonies, withheld her school records from her attorney, and badgered her mother, although they were aware that her mother was already under great pressure because there was severe illness in the family. The fine imposed on the Principal, although important as a symbol, in no way can compensate for the injury done to this young woman and her family.

But there was a further injury suffered by the larger community. There was never a threat to the safety and welfare of the school community. The only threat was that perceived by a Principal to his authority which he dangerously exceeded. When he was reprimanded by his superiors, he defended himself by diverting community attention from his behavior at the expense of a student's reputation. He capitalized on fear and prejudice.

The real threat to public order was demagogy and disregard for human dignity - a lesson our young citizens do not need. When such demagogy prevails, we are all victims.

APPEALS: HOW CAN PARENTS AND STUDENTS SECURE THEIR RIGHTS

ADMINISTRATIVE APPEALS

By ELAINE KEITH

Critical Board of Education Appeal Decision Summaries.

Appealing an action taken against a student which an advocate and family believe is unjust and/or harmful to the student's welfare can affect many other young people. Individual case violations are NOT isolated incidents. They reflect school policy and practice that often remains unchallenged without the public intervention of, and exposure by, an advocate.

We have included the following sample appeals to assist our readers in monitoring and securing fair, just and sound educational policies and procedures for young people and their families.

Our office would appreciate receiving documentation of similar abuses and other appeal decisions which strengthen the rights of students and families. We will continue to reproduce same in succeeding issues. But it is vital that you communicate violations and/or unfair practices, and the circulars and appeal decisions we've cited in this article directly to your school Superintendents, local school boards and Central Board of Education. Local school boards in particular are often unaware of improper school activities and the circulars and appeal decisions that prohibit such activity. The consumer and the advocate must continue to publicly expose these issues and demand class remedies (standardized and applicable to every young person and family).

In The Matter Of David S (April 1975)

This appeal was submitted to the Board of Education contending three specific violations of Special Circular 103 and State Education Law.

1. The suspension was illegal because the alleged indident had occurred six days prior to the suspension, thus it could not be considered an emergency as outlined in Special Circular 103.

2. At the suspense conference the principal denied the student and parents the right to question the student's accuser.

3. Further, the principal would not permit the advisor to the parent and student to participate in the hearing.

Mr. Isaiah Robinson for the Board ruled:

1. "Petitioner's suspension was clearly

in violation of the by-laws. Since the incident which allegedly prompted the suspension occurred six days before the suspension began, it cannot be argued that petitioner's suspension was an emergency act."

2. "The letter and spirit of the by-laws Sec. 90-42, Special Circular 103, and the Education Law were violated by the principal's refusal to present the complaining witness at the hearing. Any finding of fact dictates that all statements should stand the test of examination."

3. "The role of parent advisors is constantly misinterpreted by principals and has become a source of much abuse and frustration. The by-laws of the Board of Education states that 'at the conference the parent and the principal may each have the assistance of up to two additional persons unless both parties agree to the presence of more ...' The assistance, with respect to parents, is clearly enunciated in the policy, 'Pupil Suspension. Toward a More Complete Understanding by Schools, Parents and Pupils ... Parents can have two additional persons of their own choice present, and additional persons are permitted if mutually agreed upon. These persons can participate freely in the discussion' (emphasis added.)

"On this issue, the principal is in violation by his refusal to permit parent's advisors to participate freely in the conference."

This appeal was sustained on all three grounds.

Ed. Note: The Board's David S. decision to sustain our appeal is critical to advocates and constituents, particularly because the violations cited and redressed still occur too frequently in our schools. Share this decision with your local high school superintendent and school board. Ask what their policy is and how it is implemented on a school level.

In The Matter of Arlene C. (August 1976)

This appeal was submitted to the Chancellor contending in part that the decision of the Superintendent to transfer the student to Evening High School was inappropriate.

The student was involved in a dispute with a school security guard, but there was no previous history of such incidents in the student's records.

While upholding the suspension, the Chancellor reversed the decision of the Superintendent to transfer the student to Evening High School, because the suspension was based on an isolated incident that did not warrant such drastic action and the Superintendent was directed to assign the student to a Day High School.

In The Matter of LaVerne M. (August 1975)

This appeal was submitted to the Chancellor requesting expungement of certain derogatory entries from the student's records since the parents had not been notified in writing that these entries had been made.

The Superintendent had held that the parents had received oral communication regarding the material on the anecdotal record, and that was sufficient since the material was not on the permanent record.

The Chancellor ruled that Special Circular 103 (1972-73) required that written communication be given on all (emphasis added) school records. He further ruled that oral communication does not replace written communication and that material for which parents had not received written communication had to be expunged from the record.

APPEALS THROUGH LITIGATION
By EDGAR WALKER, ESQ.

The United States Supreme Court has ruled (Wood v. Strickland, 420 U.S. 308 (1975) that school board members and school ad-

ministration may, under certain circumstances, be sued for money damages for violating a student's Constitutional rights.

Such a suit can be brought only if the school officials knew or reasonably should have known that their action violated the Constitutional rights of the student or if they acted maliciously.

Not every violation of state law or Board of Education By-laws or circulars constitutes a violation of Constitutional rights. In fact very few do. In the area of suspension, the Supreme Court has held (Goss v. Lopez, 419 U.S. 565 (1975) that all that is required by the Constitution is that the student be given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence the school authorities have and an opportunity to present his version.

All other requirements for a valid suspension under state law and Board of Education By-laws are not Constitutionally mandated and their violation would not be grounds for a lawsuit under the Wood case. However, these local requirements are important and their violation should be challenged within the school system and in the state courts.

Areas which might give rise to a lawsuit for money damages under Wood, in addition to suspension without even the minimal due process required by Goss, would be teacher assaults on students, unreasonable searches of students, and punishment of students for exercising their First Amendment rights to speak freely and distribute printed materials on school property and to refuse to participate in the so-called patriotic ceremonies of saluting the flag and reciting the pledge of allegiance.

Another area which would likely give rise to liability for money damages is the failure to provide adequate education for handicapped and emotionally disturbed children.

In any case, unless actual malice is shown, the student would have the burden of proving the actual amount of the damages he claims to have suffered.

Thus, although opening up a new avenue for the enforcement of student rights, the Supreme Court has drastically limited the availability of the new remedy.

(Special Note: Back issues of our 1972-73 issue which described suspensions and grievance procedures are still available. Send name and address and 50¢ for xerox and postage.)

Mr. Walker is a partner in the Law Firm of Lerner, Walker, Levy & Cohen located at 1960 Broadway, New York, N.Y. 10023, (212- 873-7900.)

ISSUE ADVOCACY

ISSUE ADVOCACY

Though case by case intervention remains a fundamental human support service and linchpin of our organization, larger social impact and institutional change beyond individual case remedies can only evolve if our individual cases are translated into the public policy arena. (In a subsequent section of this Newsletter we will identify some of the recent court decisions, laws and regulations which will assist advocates and their constituents in shaping public policy.) This section describes some of the major areas in which our advocacy project has invested its resources as either organizers, facilitators or participants and whose successful pursuit we hope will expand and enrich the learning environment of our young constituents, their families, and neighborhoods. We urge our readers to join us (See Call for Action at the end of each article.) We want to thank our guest writers for their assistance in preparing this section.

EXCLUSION OF CHILDREN FROM THE PUBLIC SCHOOLS

Susanna S. Doyle

Many of the cases handled by Advocates For Children of New York over the past seven years have involved school age children who were not attending school. Some were out on suspension, some were truants and some had been invited by their schools not to return. ("Don't let me see your face around here," is a popular phrase with Deans and other authority figures, we have learned.) Based on the experience of many hundreds of these cases, with ample documentation of the various techniques used by the school, we have made the issue of exclusions one of our central concerns.

Our primary goal over the past year (with the aid of a grant from the J. H. Whitney Foundation) has been to document the exclusionary practices used by the Board of Education, publicize these practices and work to identify solutions and remedies which will help to eliminate such practices. In this article we will identify three of the most common methods by which children are kept out of school and effectively denied their right to an education. Our underlying assumption is that education is a right, guaranteed under the New York State Constitution, which cannot be denied any child; the taxpayers are supporting a system of public schools to provide education to ALL children. The contrary assumption is that education is a privilege, provided by the State for those who are able and willing to take advantage of it; as if a child who does not appreciate the educational offerings of the public school system is better off out of school. In essence the question becomes: is it the child's job to adjust to the school system or the school's job to adjust to the child? Advocates For Children of New York takes the position that schools must adapt and change to meet the needs of the children they serve today, and to that end we are attempting to identify educational programs within the public schools that provide a successful experience for a variety of types of children. We welcome hearing from our readers about schools, programs or people that we might visit.

Suspensions

A school suspension is a common method of exclusion. By forbidding a student to come to school for a period of several days, weeks, or (in some cases) months, the institution is expressing its feelings about the client with unmistakable clarity. And the student gets the message: many never go back to school after repeated suspensions for such "offenses" as wearing a hat, cutting classes, truancy or swearing. It is commonly assumed that only "bad" kids are suspended -- the violent and the disruptive child who makes it impossible "for our children to learn." Unfortunately, the Board of Education's own figures do not support this assumption. Between September 1973 and January 1975, for example, 58% of all high school suspensions were NOT for emergencies or acts of violence, and a substantial proportion of those suspensions purportedly for "aggressive acts" are mislabeled and misdefined. We have documented cases of students accused of an aggressive act for throwing paper clips, demanding the proper change from the lunchroom attendant or running away from the Dean's office. Furthermore, in testimony before a United States Senate subcommittee, the Board of Education's Director of School Safety stated that fewer than 30% of the students accused of "violent incidents" were suspended; there were 4,775 such "incidents" during the school year '73-'74 and yet there were almost 20,000 suspensions.

School suspensions have become increasingly popular over the past few years. Although the Board of Education's by-laws restrict suspensions to "emergency" situations, and the Chancellor's circular (#103) speaks of suspensions as a last resort, to be used only when every other remedy has been tried, the number of suspensions has grown from over 15,000 in 1970-71 to over 27,000 last year (1975-76). The bulk of the increase has been at the high school level, where suspensions have gone up more than 250% in five years. The purpose of a suspension has been subverted by using exclusion as a punishment, which in no way remedies the precipitating incident or cumulative failures.

Attendance

Attendance in the public schools has been declining, particularly at the high school level. The Board's response has been to reduce attendance services and neglect to carry out even those procedures mandated by State law and regulations. The parents that reach our office have a common complaint: they are not informed by the school when their child is absent. Postcards are not mailed out, letters are not sent and referrals to the "attendance teachers" are not being made, as has been documented in two studies recently released by the Community Council of Greater New York. The prevailing attitude seems to be "out of sight, out of mind," and whatever resources are available to the school are channeled into educational programs for those who are present. The children who are occasionally truant turn into the children who are chronic truants. Those who are on register but do not show up at all during the first two months of school are called Long Term Absentees, and are written completely out of the allocation formula, so that the school receives no funds from the Board for them at all. As a result, once a child's non-attendance has escalated to the point where he can be labeled a Long Term Absentee, there is no fiscal incentive at the school level to reach and serve the non-attender. Although the Board of Education loses State aid for non-attending pupils, the Board itself distributes funds (State and City together) on the basis of register minus LTA's. If a school brings in an LTA, no monies are provided until a year later. So it becomes fiscally more prudent for a school to ignore LTA's than to find them.

The lack of attention paid to truant children has thus developed into a method of excluding these children and as a result one out of every five children are absent every day. Bad as these figures are, there is also evidence (provided by the State Comptroller's office) that the reporting of attendance data by the individual schools is haphazard at best. In order to increase State aid, which is based on attendance, and so that the school will "look good," attendance figures are frequently inflated. The true picture may be even more bleak than it appears. But as long as school people feel that only the child who comes in every day, and can experience success and satisfaction from the traditional curriculum, is "worth" having in school, the streets of the city will continue to be filled with out-of-school children. The truants have elected to reject the schools as they know them and are effectively excluded by the schools' refusal or inability to change their structure and change their attitudes so that a school becomes a hospitable environment where children choose to be.

Curriculum (School Organization)

There are numerous ways to define the word "curriculum." But, taking the term in its broadest sense, to include the content that is taught in school and the methods and materials used to teach the content, the traditional curriculum is not successful with the majority of New York City public school children. We still have our Westinghouse scholars, but we also have hundreds of thousands of non-readers. Poverty and discrimination are a common refrain at the Board of Education: housing is bad, incomes are low and family support is inadequate; therefore, young people are unable to learn. Poverty and discrimination are real issues and contributing factors, but do not by themselves preclude young people from learning. Their brain power can be liberated. What seems to be the operative exclusionary method in many cases is the curriculum itself - simply what goes on in the classroom is inappropriate for these children. The materials, the methods of presentation and the content seem to have been designed with someone else in mind. The structure of the school is designed for failure as opposed to success. This is not to say that every school and every classroom in the city can be so indicted, but the evidence seems to indicate that the majority are conducting business without regard to the needs of the children and regardless of the cost to those who drop out along the way.

Several groups have sought and won the protection of the Courts and Federal and State legislation to obtain their rights to an education, specifically the handicapped child and the bilingual child. But despite these superficially successful efforts at litigation and legislation, advocates still struggle to assure the handicapped and the bilingual child the

educational programs they need. Can a court case be brought on behalf of the over 50,000 who drop out of every graduating class before getting their diploma? What will it take to move the Board of Education to vary their educational menu to make it suitable for the clientele? Small steps have been made -- a magnet school here, a mini-school there, but the general curriculum, staffing and school organization pattern remains the same as it was 20 years ago despite the changing needs of the consumer group. The traditional patterns themselves can thus be seen as an exclusionary device.

We have briefly described three ways in which the Board of Education continues to allow exclusion of young people: suspensions, lack of attendance services and the rigidities of the present schooling structure. The Office of Civil Rights has approached this problem from the perspective of discrimination against non-white students. The OCR has completed its Equal Educational Services Review with a report to the Board of Education on January 17, 1977. This report concludes that the New York City school system is violating civil rights laws which prohibit discrimination against minority, female and handicapped students. The major findings are:

1. Minorities at all levels are receiving lower amounts of local resources for basic education.
2. Minorities are segregated in elementary school classrooms and are given unequal educational services.
3. Students whose primary language is other than English are barred from meaningful participation in educational programs.
4. Minority and female students in junior high schools, intermediate schools and high schools are channeled away from desirable academic, vocational and special programs and are provided with less effective counseling services.
5. Minority junior high school, intermediate school, and high school students are treated differently and more harshly than non-minority students disciplined for the same offense.

Copies of this report may be obtained by contacting the Regional Office of the Office of Civil Rights here in New York City at 26 Federal Plaza, 264-4633.

Until those of us working within the school system and those of us outside the system can agree that there is a problem with exclusion, and identify solutions we can all support, the situation is unlikely to change.

Call for Action

Advocates For Children has organized a coalition of city-wide organizations, including: American Friends Service Committee, Aspira of N.Y., Citizens' Committee for Children, Community Service Society, Family Reception Center, Legal Aid Society, New York Civil Liberties Union, Public Education Association, Queensborough Federation of Parents Organizations, Urban League, Williamsburg Legal Services. We are concerned with suspensions, exclusions and dropouts. Our joint efforts succeeded in convincing the Board of Education not to weaken its present suspension by-laws (which are a model for the rest of the country). The coalition now hopes to press the Board to monitor the alarming increase in suspensions, create mechanisms to enforce its own by-laws, develop and strengthen alternatives to suspension, and undertake an independent study into the whole system of exclusions and dropouts (of which suspensions are only a symptom) with a view toward restructuring education and support services to meet the needs of this unserved population. Help us help our young people by communicating to Board members your support of our efforts. For further information about the activities of the coalition, call Susanna Doyle or Miriam Thompson at our office (786-9100).

WHAT IS A COMMUNITY SCHOOL

BY MICHAEL DIRZULAITIS
New York City Youth Board

The fiscal crisis forces creative thinking about how we deliver educational, recreational, and other human services. Accordingly, advocacy groups across the City now view community schools and community education as timely mechanisms which can preserve and even enhance services. The increased acceptance of the community school

concept is encouraged by the successful operation of community school programs in over 700 districts nationwide. In these districts, schools serve as sites for service and avocational programs of every conceivable type, fulfilling innumerable needs and interests, for all groups young and old, both day and evening.

In New York City, the Mayor's Task Force on Community Schools, co-chaired by Deputy May Paul Gibson, Jr. and Youth Board Chairman Jerome M. Becker, has identified the potential of Community Schools as threefold: 1) increased access to schools after school hours; 2) the utilization of idle space in schools during the school day; and 3) the re-use of closed school buildings which have been turned over to the City by the Board of Education.

Exhorbitant custodial overtime fees, coupled with reductions in the budget for Continuing Education and Extended School Use, have greatly diminished the extent and diversity of after-school activities. The affected programs include not only traditional Continuing Education activities, but many voluntary agency programs and civic group activities. The main strategy for re-establishing activities after 3:00 P.M. is to encourage "piggybacking" -- the scheduling of a cluster of different activities and groups at the same time and at a selected convenient site, to reduce the custodial costs paid by each participating group. The Central Board recognizes the economies to be gained through the adoption of this strategy; a recent management paper points out the savings in custodial costs if even adult education classes were consolidated at centralized sites.

The recent passage of the Halperin-Schumer amendment to the State Education Law (Section 414) 1976, permits, for the first time, the use of space during the school day by other than Board of Education organizations. The Central Board is now developing space sharing regulations for outside organizations, e.g., permitted types of activities, relationship with the school administration. security arrangements, fee scales for custodial and maintenance costs, etc. It is hoped that the regulations will permit the wide array of human services and will leave to the community school boards most decisions on the compatibility and desireability of applicant organizations.

An important benefit of increased access to schools by outside organizations is the increased proximity of complementary services and activities to students. Some of these services and activities can help fill the gap left by cut-backs in the Board's own support services. Given the recent rise in dropout, truancy and suspension rates, the re-establishment of accessible support services assumes particular urgency.

Since the onset of the fiscal crisis, over 50 schools have been closed and turned over to the City for disposal by the Department of Real Estate. The Department of Real Estate is under a Mayoral mandate to generate as much income as possible from excess real estate, but many closed schools will not be sold. Many are in designated poverty areas where the need for accessible human services is critical. In some instances, when a compelling case is made for non-profit re-use for community services, buildings can be leased for a minimal annual fee.

Re-cycling a school building is a formidable undertaking and should only be attempted by established, well-funded organizations or community groups who are knowledgeable in real estate management and have energy and resources to generate public and private funding. The basic fixed costs are high -- $30,000 per year for maintenance, heat, electricity, and insurance would be a typical conservative estimate; grass roots must exercise ingenuity to meet these costs. For example, the former P.S. 9 in Prospect Heights, Brooklyn has been leased by a neighborhood association which plans to help meet basic costs by allowing local artists to use classrooms as studios for a small fee. The balance of the space will be used, at minimal or no cost, by local community service organizations. Despite the obstacles, the re-use of school buildings offers the opportunity of flexible programming, expecially for activities which would be compatible within a normal school setting, were it not for Board of Education operating constraints and custodial costs.

All three aspects of school use -- day,

after-hours and closed facilities -- offer opportunities for enhanced service coordination. Groups which operate under the same roof are less likely to duplicate services, constituents, overhead and administrative costs but are more likely to harmonize their activities and aims to facilitate enriched, accessible and better coordinated human services for which community schools could act as a locus and host.

Call for Action

Call or write Board of Education members. Urge the guidelines for multi-use of schools facilitate maximum (and secure) accessibility by community groups and human service agencies at reasonable cost. Join the Multi-Use Community Coalition which meets at Community Council of Greater New York (call Peter Kohnstamm at 777-5000 or Mike Dirzulaitis at 433-3390).

SCHOOL MENTAL HEALTH SERVICES

BY MIRIAM THOMPSON

Available, accessible and coordinated human support services for young people and their families are basic to providing a successful learning environment in our school communities. Mental health services are an integral part of effective learning. The Federal Education of all Handicapped Children Act (P.L. 94-142) of 1975 - described in the legislation section of this issue - defines these support services as fundamental to insuring the quality education of children with special needs and critical to maintaining young people in the least restrictive learning environment. Recent Education Law (Halperin-Shumer Amendment to the State Education Law - Section 414, 1976) enables these services to be delivered in our schools. (See article, "What Is A Community School.")

For the past year, we have served on the City-State Task Force convened by the Commissioner of the New York City Department of Mental Health and Mental Retardation Services who was informed by the State Department of Mental Hygiene that support for the Board of Education's Bureau of Child Guidance was being withdrawn as of June 1977. BCG has traditionally gotten almost total funding from both State and City DMH. State DMH argued that BCG was not eligible for DMH clinical certification because it could not dispense medication, did not charge fees and was not, therefore, Medicaid reimbursable. Unlike other mental health services in community mental health centers and hospital facilities, BCG did not have the same year-round and evening work schedules. Further, school mental health services should be funded by the education system. (It is important to note that for more than 20 years BCG has injoyed DMH funding and recognition of its clinical status - a relationship that does not exist anywhere else in the State.)

Our understanding of BCG's major counter-arguments is that one cannot define and/or separate mental health services based on organizational, bureaucratic or funding lines of authority without pre-labeling children, dividing their needs into unsupportable and disjointed parts and interrupting any sound continuum of care.

Yet, in this school year just such a fractionalized system continues by means of a political compromise negotiated between City Hall, the Governor's Office, the Board of Education, and State and City DMH. DMH will continue to fund BCG's support services to Special Education programs and a community mini-clinical team whose written responsibilities include identifying children with problems, some counseling, crisis intervention, referrals of children and families needing more long term treatment, participation in community planning "on behalf of the needs of the school district," and working with schools and students "to prevent special education placement." UFT BCG, DMH and the Board of Education negotiated an agreement which will allow BCG to work a few more hours a week with workshifts to cover evening and summer schedules. A modest amount of money has been made available to outside mental health agencies to hire additional staff to serve school referrals. Each school district is supposed to have been assigned a cooperating mental health agency which should accept referrals without regard to ability to pay but who may inquire as to eligibility for third-party payment or sliding fee scales. DMH is

attempting to track referrals made to these agencies either by BCG or directly from school personnel, as well as BCG's activities to determine how effectively the interim plan is working.

In addition, DMH has funded (and says it will monitor) the Division of Special Education's Evaluation and Placement Units $1,000,000 this year only, to re-evaluate and re-examine youngsters in Special Education programs to reduce the backlog of cases. Heretofore BCG carried this responsibility. DMH argues that diagnosis and evaluation related to school placement is a proper function of the Board of Education. (For a description of how school mental health services are supposed to function, write to Dr. Helen Feulner, Executive Director, Division of Special Education and Pupil Personnel Services, 110 Livingston St., Brooklyn, N.Y. 11201, or the Record Access Office, Board of Education (same address) for a copy of the DSEPPS Memorandum of 1/5/77, on School Mental Health Services.)

Much has been written. On paper, much has been promised. The foregoing appears to us to be not a plan, but a political compromise that ensured for this year each side would hold a piece of a dwindling service pie. BCG, with a small team in each district, will be able to implement few of its assigned responsibilities. Teacher training in the classroom to minimize referrals is not even mentioned. The result we fear will be a long child referral chain from the schools or BCG to mental health agencies and back to Evaluation & Placement Units for Special Education classes.

The prognosis for the 1977-78 school year, compounded by the City's fiscal woes and political retrenchment from human services generally, are even muddier. Nonetheless, intelligent planning must go forth and, we believe, it is time for decision makers to involve consumers in that process in an organized way. We have urged the Chancellor and the Board of Education, together with their counterparts at DMH, to prepare and widely disseminate (joint) position papers and alternative plans for mental health services to school-age children to guide public comment through the mechanism of public hearings. We offer the following questions and comments to facilitate that process.

1. The Board of Education, to counter some of DMH's arguments supporting BCG defunding, is pushing legislation again this year that would allow BCG to charge fees for services rendered in the public schools and dispense medication under the auspices of education authorities. Such powers are presently prohibited by State Education Law. The dangers of misuse of this authority have been publicized extensively, yet the public is uninformed of the Board's decision and has had no input.

2. How can we assure an accessible collaboration and integrated mental health service delivery system, essential to effective learning under the present, often competing and conflicting lines of authority between Board of Education and DMH?

3. At a time when human services are under virulent attack*, are we using our resources effectively so that services are planned and structured according to the child's needs. Funding and service delivery should be organized around where and by whom those needs can best be met? Criteria for funding and program development should be where and by whom a child and family's needs can best be met.

4. What legal and/or contractual (union) constraints impede joint planning?

We urge our readers to support our efforts to secure public airing and discussions of these vital issues which affect the health, education and welfare of our children and community.

CALL FOR ACTION: State Education Law Chapter 853, which relates to Special Education and the Federal Aid to the Handicapped Act, requires cooperative planning between all State agencies whose programs impact upon child care. The history of effective inter-agency planning has been disastrous. We urge our readers to write to the Govenor demanding a cabinet level Child Advocate with the power and authority to coordinate and enforce such joint efforts and suggest funding legislation to implement coordinat-

ed and quality child care service delivery. Write:

Governor Hugh Carey
Executive Mansion
Albany, New York 12224

with copy to James Introne, Special Education Assistant to the Governor.

In addition, the powerful Senate Majority Leader Warren Anderson has just appointed a Senate cooperative study group to work with the Governor and the Regents. Those appointed were: Sen. James Donovan, Chairman of the Education Committee; Sen. Joseph Pisani, Chairman of the Temporary State Commission on Child Welfare; and Sen. Kenneth LaValle, member of the Education Committee. Former Sen. Leon Guifredda and sponsor of the 1976 law will serve as Special Consultant. Comments and criticism regarding mental health and related child care service delivery (lack of) should also be addressed to these men who can carry a lot of weight.

The Mayor must be urged to establish the same aggressive office on a city level with powers to coordinate and enforce youth services planning across bureaucratic lines and review and modify budgets to insure agencies adapt their budgets and program. implementation to the needs for integrated planning.

. . . . . .

*Special Note:
The fiscal plight of New York City is a constant refrain sung by politicians, bankers and administrators in an attempt to convince consumers that there is no money available from City, State or National coffers for human services. It is our opinion that these efforts serve to disguise a political decision to reduce human service delivery. It is not our intention in this article to divert attention from this horrendous political decision. Human services are not profit-making. They are levelers and equalizers affecting large numbers of the poor and modest income working class citizens of our city. At the same time, human services (children's services in particular) have become an enormous enterprise - both in terms of budget and personnel. The continuing struggle for more effective services reminds those elected or appointed to power that human services is a social and economic priority and one that this country can afford. It reminds service providers that they must work with and be accountable to their constituents.

CASE HISTORY OF A SCHOOL-RUN SPECIAL EDUCATION PROGRAM

By MARGARET WHELAN, PARENTS ASSOC.
P. S. 75

Willie Monroe is a fourth grader in a public school in New York City. He is reading on an early-first-grade level, cannot print more than a few words, and has not progressed beyond simple addition and subtraction. During the thrid grade he began to be a discipline problem, acting up during lessons and teasing the other children. His teacher thinks he is of normal intelligence and attributes his slow learning to "emotional problems and economic deprivation in the home." (She is partly correct.) She is extremely frustrated by him, and finds herself yelling at him four and five times a day. Some days she gives up and sends him to the principal's office.

You've heard this story before? You could write the rest of it yourself? You think Willie will end up in a special class or perhaps quit school at 16? Maybe he will get into real trouble when he is a little older?

In P.S. 75 in Manhattan a group of parents, working closely with Community Principal Luis Mercado, has brought in a program to help children like Willie. The P.S. 75M LEARNING ABILITIES PROGRAM* will help and equip his teacher to understand and address Willie's problem, which is primarily educational (he is one of many learning disabled children or children whose learning frustrations prevent their functioning adequately in regular classrooms), and will support his teacher with additional personnel who can work with Willie individually, using special methods and materials suited to Willie's learning style (abilities). If Willie were

* headed by Candy Edelbaum

Spanish-speaking, he would be eligible for the same services in Spanish. A psychologist-consultant will help Willie's teacher and parents to understand his emotional problems and how they relate to his educational problem. If Willie is like the other children who have been helped by the program, he will begin to progress in language and math skills, and by sixth grade should be working near grade level -- and most important, feeling a lot better about himself and school.

The P.S. 75M LEARNING ABILITIES PROGRAM budget has grown from $3,000 in 1974-75, to $8,000 in '75-'76, to $60,000 this school year. Money has come from the New York Community Trust, The Ettinger Foundation, First National City Bank, Chemical Bank, Federal funds, Frank E. Clark Trust and the Chase Manhattan Bank. There are so few services for learning disabled children in New York City's regular classroom, that private funding sources were glad to help, hoping that the program could serve as a model for the whole city. The Manhattan Chapter of New York Association for the Learning Disabled is sponsoring the program.

More than 10% of the children were identified by teachers as needing special assistance. These are children whose deficits prevented their learning on a level consistent with their general intelligence without specialized help. Margaret Whelan, representing the Parents Association, reports: "We wanted to reach all the children who needed help, but realized that the best way to do that in our school was NOT to screen, and to make participation absolutely voluntary on the part of our teachers. Teachers want to teach, and they welcome help which is given with respect for their knowledge and awareness of their problems. No child is labeled 'learning disabled;' the purpose of the program is to find abilities of the child and teach him."

Costs of providing individualized help to children, so important in a program like this, will be kept down by utilizing C.E.T.A. paraprofessionals, School Volunteers, and special-education student teachers from Columbia and New York University.

If you would like to visit the program to find out more about how it works, and are interested in how a Parents Association working with a concerned school staff has made such a difference in one school, call Margaret Whelan at home (749-2480) BEFORE 10 P.M. any evening or write to her at 270 Riverside Drive, New York, N.Y. 10025.

COMMUNITY SCHOOL BOARD ELECTIONS

Reflections of a School Board Member

The decentralization of the New York City public school system was eagerly awaited by those of us who were involved, concerned parents. At last we would have direct input into the educational programs that affected our children. Unfortunately, we were not prepared for the onslaught of the special interest groups who, with their vast supply of money and disciplined followers, took control of many of our community boards. We also had to cope with a paid central Board of Education trying to protect its central fortress.

Thankfully over the years parents and consumers have been able to elect some dedicated independent child advocates who hold majorities on a few district boards. But what will happen on May 3, 1977? Will community people still want to run for a Community School Board office (unpaid)? These past two years have been very frustrating and disheartening. Board members who have struggled to initiate programs which serve children's needs have had to watch budget cuts wipe out critical programs. Carefully developed priorities had to be set aside. Young (and/or low seniority) committed staff members have been excused.

Why fight? Because we must continue to struggle to assure our children's quality education. Community School Boards still have important responsibilities. They select a District Superintendent, the educational leader of the district. EVERY Community School Board will choose a District Superintendent within one year of their election. The "tone" of the district's schools are vastly influenced by the Superintendent. The School Board

also participates in and reviews Superintendent recommendations for principalships, curriculum, text books, and programs.

We must help influence committed community people to run for office and then work for their election. Many of us can remember the ills of centralization and the denial of effective community involvement. We must therefore work as "ward" leaders to rally and organize parent and community participation in this election. Divide your neighborhood up into blocks; get people to distribute literature for your candidate. Invite your neighbors who no longer have children involved in public schools to meet your candidates. Go to your parent associations and civic groups and get them to work together for people who believe children are entitled to a good education and, most important, who believe every child is educable. We must work to insure our candidates win control over our Community School Boards. OUR CHILDREN NEED US!

Elections Calendar

Prepared by Technical Assistance Unit, Community Service Society

If you are running or supporting someone who is running for the Community School Board elections, get in touch with the Technical Assistance Office of the Community Service Society who is running petitioning and strategy workshops at 105 E. 22 St., New York City, N.Y. Room 308A. (212) 254-8900.

The CLINICS will be held in the evening from 6 to 9 PM. There will be people there to review candidates petitions, and help prepare the actual petitions for filing.

Remember:
Tuesday, March 1 and Thursday, March 3
Tuesday, March 8 and Thursday, March 10

IMPORTANT!!! ALL PETITIONS, GENERAL OBJECTIONS, SPECIFICATIONS AND DECLINATIONS ARE TO BE FILED IN PERSON ONLY AT THE GENERAL OFFICES OF THE BOARD OF ELECTIONS, 80 Varick Street, New York, N.Y. ... (9th) Floor.

FIRST DAY TO PICK UP PETITIONS AT BOROUGH OFFICES	February 9, 1977 9 AM to 5 PM
FIRST DAY TO CIRCULATE PETITIONS	February 14, 1977
LAST DAY TO CIRCULATE PETITIONS	March 17, 1977
FIRST DAY FOR FILING PETITIONS	March 10, 1977
LAST DAY FOR FILING PETITIONS Midnight:	March 17, 1977

HOURS: 9 AM to 5 PM every day but Sunday.
March 14th: Hours from 9 AM to Midnight.

GENERAL OBJECTIONS are to be filed three (3) days after filing of petition.

SPECIFICATIONS are to be filed three (3) days after General Objections.

GENERAL OBJECTIONS AND SPECIFICATIONS ARE TO BE FILED IN PERSON ONLY !!!

COMMENCING WITH MONDAY, March 4, 1977, THE GENERAL OFFICES OF THE BOARD OF ELECTIONS, 80 VARICK STREET, NEW YORK CITY, 9th FLOOR WILL BE OPEN UNTIL MIDNIGHT (SUNDAY EXCLUDED). SATURDAY THE OFFICE WILL BE OPEN FROM 9 A.M. to 5 P.M.

LAST DAY TO DECLINE	March 18, 1977
LAST DAY TO INSTITUTE JUDICIAL PROCEEDINGS	March 28, 1977
FIRST DAY OF HEARINGS BEFORE THE COMMISSIONERS OF THE BOARD OF ELECTIONS WITH REGARD TO PETITIONS	March 28, 1977

The Technical Assistance Unit of the Community Service Society offers general assistance to community organizations. Unit specializes in fund raising, monitoring and establishing food programs, Community Planning Board information and training, community school board election information and training.

LEGISLATION & REGULATIONS (Consumer Rights)

RIGHTS OF THE HANDICAPPED: FEDERAL AND STATE STATUTES - By JANE R. STERN, ESQ.

Recent federal and state statutory and regulatory mandates, as well as regulations presently being formulated, establish a detailed framework of affirmative rights and protective safeguards for handicapped students and their families. These statutes and regulations codify important rulings issued in landmark case decisions relating to the education of the handicapped which have been decided over the last five years. The mandates themselves are complex, and their interrelation and the time schedule of their implementation are equally complicated. This article is limited to alerting the advocate and constituents to the specific laws and regulations and pointing out some of the basic issues which will arise as these mandates are implemented.

I FEDERAL LAW

Non-discrimination on the basis of handicap - Sec. 504 of the Rehabilitation Act of 1973

Section 504 provides that "no otherwise qualified handicapped individual ... shall, solely by reason of his handicap be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (author's emphasis). Sec. 504 applies to public school programs, but it is important to note that it also applies to other school programs which receive federal aid, such as headstart, in some instances private schools, post-secondary education as well as other programs which receive federal funding.

The Office of Civil Rights is currently in the process of issuing final regulations (scheduled to be promulgated in final form in January 1977) which will give meaning to the 504 non-discriminatory mandate, including specific regulations applicable to elementary and secondary schools. Sec. 504 and the implementing regulations do not restrict and label handicapped persons; rather 504 confers benefits on handicapped individuals, persons with a history of handicap, and persons who have been mistakenly considered handicapped by society. To some extent the 504 regulations overlap with the new Federal Education of all Handicapped Children Act (P.L. 94-142); however, Sec. 504 is broader in application because it is not restricted to school age students or to public school systems.

P.L. 94-142 Education of All Handicapped Children Law.

This law establishes a formula under which the Federal government will pay a gradually escalating percentage of a State's cost of educating handicapped children. The timetable for authorized aid is: For the fiscal year ending September 30, 1978 - 5 % 387 million); for the fiscal year ending September 30, 1979 - 10% (775 million); 1980 - 25% (1.2 billion); 1981 - 30% (2.32 billion); 1982 - 40% (3.16 billion). As a condition of receiving Federal aid the states and the local school districts are required to conform to a complex statutory scheme designed to protect and benefit handicapped pupils. Each state is required to submit a State Plan which conforms to the P.L. 94-142 statutory requirements. The basic purposes of the Act are to assure that all handicapped children have available to them within specific time periods a free appropriate public education which emphasises special education and related services designed to meet their unique needs, to assure that the rights of handicapped children and their parents or guardians are protected, to assist States and localities to provide for the education of all handicapped children, and to assess and assure the effectiveness of efforts to educate handicapped children.

Some of the basic requirments of P.L. 94-142 which are important to advocates are:

1) that handicapped students be educated in the "least restrictive environment";

2) that testing and evaluation proceedings be non-discriminatory;

3) that handicapped children and their parents are afforded proper notice of and an impartial due process hearing and appeal to the courts regarding identification; evaluation, and placement;

4) active "child find" programs must be maintained by the State and local educational agency;

5) a written individualized educational program must be developed for each handicapped student at least annually which indicates the special services which will be provided to that student, the child's present level of functioning and the annual goals for the student. Both educators and the child's parents must participate in developing the plan.

WHAT YOU CAN DO NOW

The Federal Office of Education is presently formulating regulations to carry out the P.L. 94-142 requirements. Draft regulations were published in the Federal Register on December 30, 1976, written comments on the draft may be submitted on or before March 1, 1977. Questions and/or comments should be addressed to Mr. Thomas Irvin, Bureau of Education of the Handicapped, Office of Education, Room 2015, Regional Office Bldg. No. 3, 7th & D Street S.W., Washington, D.C. 20202 - tel: 202-245-9405.

II STATE LAW

In July 1976 New York State enacted what was intended as a comprehensive new law regarding the education of handicapped children (popularily known as the Giuffreda bill). The Giuffreda law in some aspects parallels the spirit of P.L. 94-142; however, State law will undoubtedly be further revised to comply with P.L. 94-142 and the new Federal regulations. The State is now in the process of issuing its own regulations to implement the Giuffreda law. Emergency regulations were issued on January 3, 1977 by the Regents, those regulations are in the process of being amended, and will surely be further revised to comply with the final regulations. In addition, copies of the State Plan for identification of handicapped children in New York State is now available by writing to Zelda Kaye, State Education Department, Albany, N.Y. 12234 (Tel.: 518 474-2251). More complete State plans will follw. See Calendar at the end of this article. Highlights of the present State law which are now in effect are:

1) A due process notice and fair hearing and appeal process in regard to the identification, evaluation and placement of handicapped children. During the pendancy of the proceedings the child remains in the current educational placement.

2) All handicapped children between the ages of 5 and 21 are entitled to a free public education either in public facilities or, if such a public facility is not available, in a private approved facility. The parent may not be required to pay maintenance or transportation expenses.

3) Each school district must have the services of a Committee on the Handicapped, composed of at least a school psychologist, a teacher or administrator of special education, a school physician, and a parent of a handicapped child, which reviews annually the status of each handicapped child (children must be clinically re-evaluated at least every three years). All placements and program recommendations, including private school placements, must be made through the Committee on the Handicapped. (See article on COH in this issue.)

III OUTSTANDING ISSUES REGARDING RIGHTS OF HANDICAPPED STUDENTS

The meaningful implementation of the Federal and State legislative schemes will clearly be a complex process. Issues which raise serious problems, without simplistic solutions, have already come to the fore.

Least Restrictive Environment

This principle requires that the handicapped students be educated to the maximum extent their condition and needs permits with non-handicapped children. However, the least restrictive principle should not be used to deny necessary services to handicapped students nor should it be implemented mechanistically: for example, requiring that the child first be tried out and fail in the regular school before being offered special programs. Moreover, in some instances, a special class located in a regular school but isolated from the mainstream of the school may, in fact, be a restricting experience.

Further, non-discriminatory, least restrictive placements for the handicapped children

will only be realistic where a school system provides services and adopts individualized program modifications designed to maintain students within the regular classes which they would attend except for their handicapping condition. In the present situation in New York City where all supportive services, i.e. guidance, counselors, reading programs, special aids and attendance services have been severely cut back, it is difficult to imagine that least restrictive alternatives will be available. Meaningful implementation of the least restrictive principle will require a shifting of resources from segrated special classes and programs to supportive services and programs, teacher training, shared instructional and supportive services between special education and regular school staff.

Due Process Appeal System

The New York City Board of Education and the State Education Department are taking steps toward implementing the due process appeal system required by Federal and State law. In New York the first stage of the process will be an opportunity for an informal conference with the local committee on the handicapped. If that conference does not resolve the dispute between the parent and the school officials, the parent has the right to an impartial hearing which is reviewable by appeal.

However, the New York State educational authorities have, thus far, taken the position that the due process appeal is available only where the school officials initiate a change in placement. Such a limited provision is contrary to the Federal Law 94-142, which provides that parents shall have an opportunity to present complaints and an opportunity for a hearing on such complaints with respect to any matter relating to the identification, evaluation or educational placement of their child, or the provision of a free approriate public education to their child. It would be contrary to basic concepts of due process to provide no avenue for resolving parent initiated issues relating to children already in programs. An example would be that the program in which the child is in already, does not provide appropriate mainstreaming experience, or the program is not suitable in that it is lacking needed services. Denying the opportunity for a COH conference or an appeal at the local level on such issues would actually increase litigation since parents would clearly have the right to appeal such complaints directly to the Commissioner of Education or to the courts. It would also subvert the responsibility of the COH to facilitate and ensure program and case re-evaluation. The Board of Education has a much better procedure which allows for parent-initiated appeals.

Individual Educational Program (IEP)

The annual written individual educational program and conference is the crux of the federal scheme for assuring that each handicapped child is provided with a free public education appropriate to his or her needs. However, to be meaningful this requirement will have to be implemented in a manner which precludes wholesale boiler-plate programs which are signed off by parents at routine parent-teacher-conferences. Program plans including goals and objectives and expected outcomes should be developed for newly identified pupils before they are placed and pigeoned-holed into slots. The plan would provide a blueprint against which the program placement can be measured in terms of how well it meets the child's needs, not how well the child fits the program. Further, there should be an opportunity for an IEP conference whenever the school official or parent is dissatisfied with placement. The availability of an IEP conference would avoid reliance on the due process hearing mechanism alone for resolving problems. In addition to the child's teacher and the parents (and a parental advisor if the parent wishes) the conference should include a representative of the educational agency (this is required under federal law) who has authority to implement those plans which require services beyond the classroom teacher's control. Where a program is located in regular school a representative of that school should be present to assure that the student will be offered appropriate participation in the mainstream; where a student is being identified as handicapped for the first time, a representative of the child's home school should be included. The written program should include the following statements:

1. The child's present educational performance including achievement and skills;

2. Annual and short term goals;

3. The services needed by pupil with regard to whether the school system presently provides such service;

4. The statement of needed services should include: special and related education services (including physical education), date and length of the services to be given, the extent to which the child will participate in regular education programs, justification for the placement, a list of the specific individuals' respnsibilities for implementing the program, and objective criteria for determining at least annually whether short-term objectives are being obtained (the proposed federal 94-142 regulations require that the IEP include the above.)

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A CALENDAR FOR COMPLIANCE

The following is a calendar of important dates for states and local school districts which must comply with the law. Parents should check with school officials well in advance of deadlines to see that action is being taken to insure full compliance and eligibility locally.

November 29, 1976 Deadline for states to provide certification of the actual number of handicapped children receiving special education and related services as of October 1, 1976. (Reports to be sent to the U. S. Commissioner of Education). The NYS plan is now available. (We've read it and found its contents to be either too general or the data inadequate).

January 1, 1977 Deadline for issuance of complete regulations by the Office of Education clarifying P.L. 94-142 (to be followed by at least a 30-day comment period).

April 1, 1977 Deadline for states to provide certification of the actual number of handicapped children receiving special education and related services as of February 1, 1977.

April 1, 1977 State deadline for submitting plans for compliance with 94-142 during 1977.

October 1, 1977 Begin Federal funding of the Law with a maximum of 40% of the average national per pupil cost for every child in an approved program.

September 1, 1978 States must now offer "Free Appropriate Public Education" for all handicapped children ages 3-18.

October 1, 1978 Schools get Federal funds equal to (a maximum of) 10% of the national per pupil cost of public education.

October 1, 1979 Schools get Federal funds equal to (a maximum of) 20% of the national per pupil cost of public education.

September 1, 1980 States must now offer "Free Appropriate Education" to all handicapped children ages 3-21.

October 1, 1980 Schools get Federal funds equal to (a maximum of) 30% of the national per pupil cost of public education.

October 1981 Schools get Federal funds equal to (a maximum of) 40% of the national per pupil cost of public education - and every October 1 thereafter.

COMMITTEES ON THE HANDICAPPED

By Miriam Thompson

Community based Committees on the Handi capped (COH) were established in New York City by order of the State Education Commissioner in his Reily-Reid decision in November of 1973, mandating equal education opportunity for handicapped children in New York City. Their extensive responsibilities were further enumerated in Chapter 853 of the Education Laws of 1976 (Giufredda Bill) and most recently by New York City Board of Education's procedures. In New York City, District COH members include: a chairman educator, 2 parents of

handicapped children who reside in the district, a psychologist, a medical doctor, a community school district and board representative. Their responsibilities are:

a) maintaining a registry of all handicapped children who reside in the district who attend public schools non-public school programs or residential settings. In addition, the COH maintains a waiting list of unserved and underserved children (underserved refers to those children who are presently in a placement that is inappropriate to their needs);

b) appointing and scheduling meetings of the COH subcommittee whose membership reflects the membership of the Committee as a whole and whose responsibilities include the recommendation of placement, discussion with the parent or parent surrogate the nature of the placement, how it is suited to implement the findings of the diagnostic evaluation, and arrangement for parents of children recommended for placement to visit the program site;

c) providing written prior notice to the parent or legal guardian of the child whenever there is a recommendation to modify or change the identification, evaluation or education placement of the child, and advise the parent or legal guardian of the child of his opportunity to address the Committee regarding the recommended classification and placement;

d) monitoring the appropriate placement once the placement decision is made and agreed to, and assuring that this placement is implemented in a timely fashion. The law requires that an evaluation take no more than 30 days from the point of referral to the evaluating agency (the Evaluation & Placement Unit.) The law also requires that the placement be secured within 30 days of the parent's agreement. The chairperson of each District COH will be responsible for presenting a monthly report to the entire District Committee listing the placement recommendations made, the date of placement implementation, the number of rejected placements, the number of conciliatory-review meetings. The latter conciliatory-review process is available to parents who reject the recommendation made by the COH subcommittee;

e) scheduling of conciliatory-review meetings;

f) processing (by the chairperson of the District COH) of appeals from the decisions of the District COH conciliatory-review meetings to the chief administrator of the Board of Education's impartial hearing office;

g) arranging for the annual review of the progress of each handicapped child in each public and non-public school with the parent of the child or parent surrogate invited to participate in the review. The chairperson will present the data on the annual progress of each child to the District COH so that they can monitor the status of each child on an annual basis;

h) reviewing the results of the mandated triennial examination (a thorough clinical re-examination) with appropriate case material and reports. The results of these examinations are forwarded to the DSEPPS (Division of Special Education and Pupil Personnel Services) Data Bank;

i) periodically evaluating the adequacy of all programs, services and facilities (public and non-public) for handicapped children who reside in the school district, regardless of where their special education program may be located;

j) assisting in child find activities within the school district;

Referral Process

A child identified as having special needs which require a clinical evaluation is referred to the local Evaluation & Placement Unit either by the home school, district Bureau of Child Guidance team, or outside mental health agency. The referral process should proceed as follows:

...If a school makes a referral, they must

first obtain the parent's or legal guardian's consent. Included in that referral is general information regarding the health of the child, the current school progress, the child's education performance and behavior. If a child is referred by the BCG district team or an outside mental health agency, again with parent consent, they are asked to submit wherever possible recent clinical data, including a social history, a psychological examination and a medical examination.

...Upon receipt of this information, the Evaluation & Placement Unit notifies the parent of their intent to conduct an evaluation and the reason for that evaluation. Evaluation & Placement must obtain the parent's consent before proceeding.

...Evaluation & Placement will either review existing clinical material or arrange its own clinical evaluation. Upon completion, Evaluation & Placement will notify the chairperson of the District COH, who will send a letter to the parent inviting him/her to meet with the COH subcommittee and at the same time ask the parent to sign a "waiver of confidentiality" which will allow the Committee to discuss all appropriate clinical and educational information concerning the child.

...Upon completion of the subcommittee's deliberations, the chairperson will send a letter confirming the placement to the parent and advising the parent that if they approve of the placement they can meet with the entire District COH in a conciliatory-review meeting.

...If the parent objects to the placement and is dissatisfied with the results of the conciliatory-review meeting, they may request a formal impartial due process hearing at the Board of Education.

...The above details the process as it is initiated by school authorities. The process does not preclude the parent from initiating a request for evaluation, re-evaluation, placement, or re-evaluation of an existing placement.

PARENTS SHOW KNOW

...they have a right to bring an advisor at every step of these proceedings;

...they have a right to see all relevant educational and clinical records that pertain to their child's classification and placement;

...Federal Law P.L. 94-142 entitles the parent or legal guardian to pursue the formal due process impartial hearing procedure at any point in the identification, classification or placement process - though it is clearly preferable to use the conference and conciliatory mechanism available through the COH.

...The parent and the child have a right to receive a clear understanding of how the program will address the child's special needs, expected outcomes, a description of projected education plans and support services within the least restrictive setting and with the maximum opportunity to "mainstream" at the point parents and professionals agree the child is ready.

...The parent and the child are entitled to a periodic review of program and the child's progress, first with the program staff and, if necessary, with the District COH.

Copies of the Board of Education procedures are available by writing the Records Access Office of the Board of Education or by contacting Howard Goldstein or Ruth Hill at the Central Committee on the Handicapped at the Board of Education (596-8374). Names, addresses and telephone numbers of your district COH chairpersons can be obtained from your local school district office or by contacting Mr. Goldstein or Ruth Hill. Requests for formal impartial hearings should be addressed to the director of that office, Ms. Grace Cavanaugh (596-4064). Some committees are forming parent networksto provide assistance and information to parents of handicapped children. Ask your Committee to set up such networks. Advocates For Children of New York is available for assistance, information and training.

The Committees on the Handicapped have been established in State Law, Commission-

er's Regulations and Board of Education procedures to serve as a vital link in ensuring the quality education and due process protection to which young people and their families are entitled by Federal and State statutes.

Strengthening the COH

Though the COH is responsible for maintaining a registry of all handicapped children in its local district and monitoring their program placement, many children are placed by agencies other than the Board of Education although their programs contain educational services: The Department of Mental Hygiene, the Division For Youth, the Addiction Services, The Department of Social Services. The COH is responsible for monitoring these referrals and insuring yearly re-evaluations and tri-annual re-examinations. It is also responsible for facilitating the re-entry of a child into public school programs. To fulfill this responsibility, the COH will require coordinated planning on a state and city level between all these agencies and the Board of Education.

Federal and State statutes regarding handicapped children place responsibility on the State Education Commissioner to review and inspect education and related services wherever they are delivered. The State statute provides for a cooperative study group to look at and structure cooperative planning between agencies whose programs impact on children who are identified as needing special programs. Key State officials and legislators (mentioned in the School Mental Health Services article in this issue,) can be expected to move slowly toward this goal unless pushed by consumer and advocacy organizations.

If the Committee on the Handicapped is to vigorously exercise its role in recommending appropriate placement, re-evaluating programs within its district jurisdiction, the Division of Special Education and Pupil Personnel Services must insure programs that, to the maximum extent possible, provide a mainstreaming opportunity. Special education services - though centrally controlled - will have to be organized and supported in closer cooperation with the local school and district. Shared resources, reimbursement for local school and district contributions to the special education programs, teacher training, are among the areas that must be explored and operationalized if children are going to be welcomed in their local school communities.

COH chairpersons have only recently been hired, new COH members have been assigned and the procedures enumberated above only recently distributed (although the State Law has been on the books since July of 1976). We can expect the recent State Law and the Commissioner's Regulations to be amended, but the actual success, roles and responsibilities of the Committees on the Handicapped will be defined and secured in the local districts by knowledgeable parents and advocates.

CALL FOR ACTION

We urge parents of handicapped children and interested advocates and consumers to get in touch with their legislators to relay their concerns and/or recommendations regarding special education services and particularly the need to strengthen, monitor and enforce the Committees on the Handicapped. Chapter 853 (Giuffreda Bill) will probably be amended this current legislative session. MAKE SURE YOUR VOICE IS HEARD. In addition, write your comments and, if possible, visit with the Senate Education Chairman, James Donovan, and Andrew Virgillo, Chairman of the Assembly Sub-Committee on the Education of the Handicapped at their respective offices in Albany.

The little ones leaped, and shouted,

and laugh'd

And all the hills echoed . . .

William Blake

SCHOOL RECORDS: ACCESS AND CONFIDENTIALITY

by JANE STERN, ESQ.

Under law, public school students and their parents are afforded protections against erroneous and damaging entries in school records and against improper disclosure by school officials of information contained in school records. Unfortunately, most parents are unaware that they have the right to inspect their child's school records and appeal entries which they believe to be inaccurate, misleading, derogatory or in violation of their privacy rights. The Board of Education has failed to adequately meet its obligation under federal law (The Federal Family Rights and Privacy Act of 1974, known as the Buckley law) to inform parents of their rights in regard to school records.

Over the past several years, Advocates for Children has successfully aided parents with serious concerns about injurious school records. These cases have arisen in a variety of contexts:

1. Damaging and erroneous clinical records. John A.* is a minimally brain-damaged but otherwise well adjusted youngster, who has been under treatment, including medication, for his condition since he was 2 years old. When John became 6 and was about to enter public school, his parents were informed by John's doctor that he would require special education; school officials referred the A.'s to the Bureau of Child Guidance for evaluation. After a superficial twenty-minute adult-type interview with John, the BCG psychiatrist, whose rapport with John was poor, diagnosed him as severely disturbed -- with psychotic tendencies, and recommended placement in a class for the emotionally handicapped. The parents were appalled by the recommendation which was contrary to all reports they had been given by John's doctors. With the help of their own physicians, who disagreed strongly with BCG findings, the A.'s were able to get John's case re-evaluated by the Board of Education's Evaluation and Placement unit, which recommended placement in a class for the brain injured, a program suitable to John's needs. However, the A.'s were extremely concerned that the damaging and erroneous BCG material remained in the BCG and Board files. After extensive appeals to BCG and the Division of Special Education, at a meeting with the parents and a representative from Advocates for Children, the school officials agreed to expunge the BCG psychiatric and psychological reports, and all references to the material in those reports. The reports were physically destroyed at the meeting.**

*Names and personally identifiable information have been altered to protect privacy.

2. Entry in violation of privacy rights.

When Tom B., an adopted child now in junior high school, was in the third grade he had had some mild adjustment problems which led his mother, a concerned parent, to request a referral to BCG. Mrs. B. felt that she might get some constructive advice as to how she could help her son. When Mrs. B. was interviewed by the BCG psychiatrist, she freely answered his questions, including inquiries which related to the circumstances surrounding his adoption. She was unaware that her responses would be permanently recorded in her son's BCG file. Tom's school problem ameliorated over time, but the B.'s became concerned about the existence of the BCG records, particularly the material which impinged on their privacy in relation to the adoption. After the enactment of the Buckley law, Mrs. B. asked for an opportunity to inspect the BCG file. The Board officials initially refused the request -- on the grounds that the records were clinical material not school records; however, Mrs. B. was persistent and contacted Senator Buckley's office who enlisted the assistance of the Department of Health Education and Welfare. Finally, after the Board officials made some records available but continued to withhold the psychiatric report, Mrs. B. came to our office for help. At a meeting with BCG and Division of Special Education officials, the parents and a representative from our office, the entire BCG material was expunged.

**Parents, children and advocates should insist this same right and procedure apply to outside clinical agency material. Again the parent and child are unaware of what records are kept, what records are sent to schools and other agencies.

3. School records which are inconsistent with report card grades and misleading and inappropriate entries.

Several parents have come to us who have inspected their children's elementary school cumulative records and found them to be inconsistent either in grades or conduct marks with the report cards sent home to the parents.

Wanda C. was a typical instance. Wanda's cumulative record included notations of unsatisfactory (U) for 4th grade social behavior, although the 4th grade report card had rated Wanda as satisfactory (S) in conduct for all three marking periods during the school year. Mrs. C. also objected to certain other comments she found on the record, such as in the first grade entry "nags classmates" and "poor coordination." On formal appeal, the inconsistent ratings and comments were changed, and some of the objectionable comments -- "nags classmates" -- were removed because they were found to be insufficiently precise or objective. The parents and our office are now appealing remaining comments as a first grade notation -- "poor coordination." We are appealing on the grounds that it is misleading and inappropriate to place a comment of this kind in reference to a six-year old child on the permanent record which will follow a student through his entire school career and be retained by the Board of Education for 60 years after the student graduates or leaves the school system (see Matter of Kevin C. discussed in the Case Advocacy section of this issue).

4. Derogatory entries of which the student and parents have not had timely and proper notice. Mary D.'s records included an extremely damaging report by her 3rd grade teacher stating that Mary had stolen items from her classmates. The parents only became aware that this report was being carried in Mary's school files several years later when they asked to inspect her records for another purpose. Mary denied the charge (as she had when the thefts occurred). Under federal law, Mary would have been entitled to a hearing on the accuracy of the statement (which was unsubstantiated); however, raising this at a hearing years after the event would have been a traumatic ordeal for Mary and her parents. We were able to have the entry expunged because the parent had not been given timely notice of the derogatory report. Board of Education regulations require that derogatory comments may only be entered in a pupil's records if the entry is made within 5 school days of the event and if within 15 school days the parent is notified in writing of the entry and of the right to inspect and respond to the entry.

In practice the Board of Education rule is rarely complied with. We frequently find that when students are suspended, anecdotal records are used against them which contain derogatory entries which the parent has never heard of. Leo Summer at the N.Y. Civil Liberties Union appealed several of these cases and has obtained decisions from the Chancellor holding that the regulation applies to all student records, not only permanent records, and that where the parents can establish that the entry is derogatory and that they did not receive proper notice, the entry must be expunged. Matter of Laverne M. (Decision of Chancellor, Aug. 4, 1975), Matter of Laverne M. (Decision of Chancellor, Dec. 1976).

FEDERAL LAW

1. Family Rights and Privacy Act of 1974 (Buckley (Sec. 438 of The General Provisions Act Law)) and regulations issued by the Department of Health, Education & Welfare (HEW) in the Federal Record of June 17, 1976, 45 Code of Federal Regulations Part 99: (1) covers educational agencies and institutions receiving federal funds; (2) applies to present and former students; and (3) covers all records maintained by that agency or a person acting for the agency which relate to the student, except for a teacher's private notes and a few other specific and narrowly defined exceptions.

2. Access -- Parents (and students 18 yrs. old ore more) must be given access to their records and the right to make copies of the records at a reasonable fee.

3. Amendment and Hearing -- Where the parent believes that the record is inaccurate, misleading or in violation of pri-

vacy rights, the parent is entitled to have the record amended, or be afforded a due process hearing on the issue. Even if the parent does not prevail at the hearing, he may put a statement in the record.

It should be noted that the Buckley law does not provide an opportunity to challenge grades where the student thinks he should have gotten a higher grade, except in such instances as where the wrong grade was entered.

4. Disclosure --

A.(1) The educational institution may not disclose personally identifiable information without the written consent of the parent or student (if 18 or older). Consent is not required for other school officials within the institution who have legitimate educational interest.

(2) Disclosure may be made to the officials at a school in which the student intends to enroll (parents must be given notice of the disclosure).

(3) Disclosure may be made in emergency health and safety situations, and certain other narrowly defined exceptions.

B. An institution may disclose directory information (home address, etc.) without consent only if the institution has given public notice of

(1) the categories of information which it has designated as directory information; and (2) The right to and the time within which a parent may refuse to have information treated as directory information. (The New York City Board of Education has not issued any public notice regarding directory information.)

5. Public Notice -- Finally, each institution must notify parents annually of their rights under the Buckley law. The Board Education has never complied with this ma date.

STATE LAWS

Decisions of the Commissioner of Education have established that parents have a right to inspect all school records including guidance folders, teachers notes, etc. Matter of Thibadeau, 1 Ed. Dept. Rep. 607 (1960); Matter of Wilson, 11 Ed. Dept. Rep. 208 (1972). The Commissioner has also held that as a matter of State law names and addresses of students and parents cannot be disclosed (Matter of Illich, 12 Ed.Dept.Rep. 246 (1973).

NEW YORK CITY REGULATIONS

Board of Education regulations are contained in Circular 103 (1972-73). In addition to the rights covered by the Buckley law, Circular 103 includes the following protections:

1. Permanent records may not record out-of-school incidents or activities of the student or family.

2. Guidance folders are temporary records and should be reviewed twice a year for removal of irrelevant and extraneous material.

3. Derogatory entries should be reduced to writing and entered within 5 school days, with notice to the parents within 15 school days.

4. Appeal. There are no time deadlines on when you may appeal an entry. The chain of appeal is first to the Principal, then in writing to the District Superintendent or High School Supervisory Superintendent. If the appeal is denied in the case of a high school, to the Chancellor and then to the Board of Education. In the case of an elementary or middle school, you appeal to the Community School Board before appealing to the Chancellor. (Consult Circular 103 (1972-73) for particulars.)

RECORDS OF HANDICAPPED PUPILS

Regulations issued by HEW in the Federal Register, February 27, 1976, provide for explicit confidentiality protections for handicapped children and their parents. These regulations are included in the 1976 Annual State Plan developed in compliance with the Federal Education of All Handicapped Children Act. These privacy protections include and mirror the Buckley law protections; however there are certain important provisions which relate specifically to handicapped children and their families, including:

1. Parents must have access to records prior to any hearing relating to identification, evaluaotion and placement (see article on Rights of Handicapped).

2. Parental consent is required before any individual evaluation is conducted.

3. All personally identifiable data shall be destroyed within 5 years after the data is no longer needed to provide educational services to the child.

YOUR RIGHT TO KNOW

BY SR. MARY ELLEN FITZMAURICE
MIRIAM THOMPSON

FREEDOM OF INFORMATION

On March 19, 1975, the Board of Education promulgated regulations related to inspection and copying of records in accordance with the Freedom of Information Law, Chapters 578-580, Laws of the State of New York 1974. The regulations provide:

1. A Records Access Officer who shall make all public records available for inspection and copying; compile and update semi-annually a list by subject matter on the types of records generally maintained by the Board of Education. Records may be requested in person or in writing from the Records Access Officer, Board of Education, 110 Livingston Street, Brooklyn, N.Y. 11201.

2. Responses shall be made within five working days after request is received. Reasonable fees may be established.

3. If a request is denied, an applicant may appeal within 30 days after the denial to the Secretary of the Board of Education, who must decide the appeal within seven working days following receipt of the appeal. Failure of the Board to respond can be appealed under Article 78 of the Civil Practice Laws & Rules (which requires an attorney and a court proceeding).

4. Records available for inspection include: opinions and orders related to administrative hearings; Board of Education policies and any documents or data upon which those policies were based; minutes of Board of Education meetings and public hearings; internal or external audits; circulars, regulations, administrative staff manuals and instructions to staff. Disclosures of confidential personal matters that are not relevant to the ordinary work of the Board of Education are exempted from public inspection.

5. Each Community School Board must provide the same information described above. (A complete copy of these Resolutions can be obtained from the Records Access Officer.)

Why must freedom of information (whether on a Federal, State or City level) be legislated, indeed often litigated, and constantly monitored in a system of government that espouses equal protection under the law and maximum citizen participation in the affairs of government? Among the many reasons is the desire to guard the power one holds over others, a desire often strengthened and legitimized by "professional" credentials. One of the best tools in protecting positions of power or authority is demeaning the client, consumer or constituent's ability to understand, influence or contribute to policy decisions by claiming such decisions require years of education and/or professional and political experience to define and implement. One has only to examine and evaluate the content and the method by which essential services are delivered to realize decision-makers are often ordained with little more than the fact they are in power or authority. Another related protective tool of those in positions of power or authority is limiting public (consumer) access to information without which our ability to participate in the critical decisions that affect our lives is severely limited or denied.

Therefore we urge our readers to make maximum use of the Freedom of Information Laws. Though we have cited Board of Education compliance resolutions, every public institution is covered under the law and must have a public access office to whom you can write for information regarding that institution's policies and practices.

OPEN MEETINGS LAW ("Sunshine" Law)

Chapter 511 of the Laws of 1976 enacted a new article 7 of the Public Officers Law entitled "OPEN MEETINGS LAW," effective January 1, 1977. The law recognized that citizens .... (must) be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants."

Provisions of the Law:

1. Every meeting of a public body shall be open to the public: The Board of Education and Local Community School Boards are public bodies.

2. Committees of the respective Boards (public bodies) including Advisory Committees, if they are given powers under a statute or rules or regulations of a State or Federal agency, shall be open to the public.

3. The law does not apply to "any matter made confidential by federal or state law." Therefore Committees on the Handicapped meetings, for example, would not be subject to this law.

4. A public body can vote to go into executive session only "upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas ... to be considered." In the case of the Board of Education and Community School Boards, almost all of their business must be transacted at a public meeting - Education Law Section 1708, Subdivision 3. Except for the following circumstances, the public should not be excluded from these meetings:

   a. matters which will imperil the public safety if disclosed;

   b. any matter which may disclose the identity of a law enforcement agent or informer;

   c. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;

   d. discussions regarding proposed, pending or current litigation;

   e. collective negotions pursuant to article fourteen of the civil service law;

   f. the medical, financial, credit or employment history of any person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of any person or corporation;

   g. the preparation, grading or administration or examinations; and

   h. the proposed acquisition, sale or lease of real property, but only when publicity would substantially affect the value of the property.

5. Minutes shall be taken of public meetings and executive sessions and are available to the public as required under the Freedom of Information Law. Minutes shall consist of a record of all motions, proposals, resolutions and any other matter formally voted upon and a record of each member's vote. Executive meeting minutes must be available to the public within one week. Public meeting minutes must be available within a reasonable time but certainly before the next public meeting (law gives no specific time limit).

6. Enforcement. Any aggrieved person(s) has standing to enforce this law by commencing an action pursuant to Article 78 of the New York Civil Practice Law and Rules (NYCPLR) for relief.

7. Exemptions. Judicial and quasi-judicial proceedings, deliberations of political committees, conferences or caucuses, and any matter made confidential by the Federal or State Law are exempted from this law.

Remember: Your right to know and the meaningful exercise of that right is NOT a privilege but a RIGHT which validates the basic entitlement of all citizens to share in public decision making.

SPECIAL SECTION: AN ADVOCACY GUIDE

.....

One of our most critical tasks as advocates is to assist and train others in establishing strong advocacy programs in their local communities, organizations and agencies. In this special section we have reproduced two chapters from our Advocacy Training Manual: A Case Advocate's Guide and A Guide to Community Organizing. (Manual also includes information regarding suspensions, appeal procedures, discipline and safety, records, discharge and transfers, grade promotion requirements, student rights and responsibilities, bi-lingual and special education, transportation, attendance, further research and resource information to assist and strengthen case advocacy, training and community organizing.)

A Case Advocate's Guide is a handy checklist which ennumerates some of the basic problem-solving tasks an advocate must complete to assure his/her constituent(s) appropriate service or redress. A Guide to Community Organizing follows an issue that affects the community's welfare, details many of the basic tools of community organizing and tracks many of the tasks involved in launching a community campaign.

A CASE ADVOCATE'S GUIDE

I. Relationship with Constituent(s)

1. Initial contact with constituent - fill out intake form and begin a file on the case.

2. Identify precipitating incident as perceived by your constituent.

3. Develop a more detailed case history, including school and outside agencies or organizations to whom the family is already known. Get names and telephone numbers.

4. Reformulate problem in light of case history.

5. Ask your constituent what remedy he/she seeks.

6. Advocates should describe their role, what options are available, what strategies have been effective in similar cases.

7. List (in writing, in your case record) two or three specific actions you plan to take to deal with the immediate problem.

8. List (in writing, in your case record) at least two alternatives that may happen as a result of your actions and what your response to either alternative will be.

9. Check back with constituent (as always) to advise them of the action you are about to take on their behalf.

10. Mail out or invite constituent in to sign retainer and authorization form which will allow you to discuss the case with school and/or other agencies involved. If necessary and if time permits, invite your constituent to come in and discuss the case and follow-up. Often the case requires emergency action -- e.g., a suspension which will necessitate the advocate meeting the family at the school or wherever the problem situation occurs. Still, the advocate will want to meet the parent and child before any conference or hearing.

11. Wherever the appointment is scheduled -- whether in advocate's office or at the site of the conference -- parent and student should be advised to bring all pertinent information, such as:
   a) suspension letter,
   b) any and all other school or problem related communication, documents, etc.,
   c) report cards,
   d) outside agency material if in the possession of the parent.

12. Upon receipt of retainer and authorization forms - if time permits - contact school officials and all others involved in the case to obtain as thorough an understanding as possible of the current situation from all points of view. Identify available programs and/or alternatives and/or resources which may meet the needs of your constituent(s).

13. When response is made, notify constituent of the response, and enter it in your case record.

II Intervention at School and/or Agency Level

1. Make sure you have all necessary information from your constituent.

2. Make sure appropriate school and/or neighborhood resources already known to parent and student join you at the conference.

3. Facilitate individual education plan -- identifying all educational and support service components of such a plan, and

5. Assist all parties in agreeing to a plan. (Here advocate will often be called upon to use his/her negotiating and counseling skills with both constituent(s) and professional personnel.)

6. Make sure at the end of the conference to define each person's commitment and responsibility.

7. Arrange for continued contact with school and/or agency to evaluate implementation and results of the agreed upon plan.

8. Arrange for continued contact with with constituents to assure implementation.

(In cases which involve children and/or families with special needs, the advocate's role and intervention is often much more intensive. See article in this issue on Committees on the Handicapped and laws relating to the handicapped child.)

Advocacy Training

Intensive training in Education Law, related child care issues, case and issue advocacy, community organizing and more. For information write or call Advocates For Children of New York.

A GUIDE TO COMMUNITY ORGANIZING

1. Identify a "real" burning issue based on your own case advocacy and/or community experience which you should document in writing, including:

a) agency or school(s) in which violations or abuses are documented;

b) names of involved personnel in these schools, agencies or other institutions.

NOTE: The sequence and strategy suggested below can be applied to any institution. (Remember, under the Sunshine Law of 1976 (see Your Right to Know article in this issue), you can insist any public body hold public meetings and even some Executive Board meetings in public.) For the purposes of this outline, we are addressing an issue on a community school level.

2. Documentation. Correspond with the following people about your issue and identify clearly the remedies you seek. (Do not use parent and child names at this point.) Keep all records of all correspondence to and from:

Principal
District Superintendent
All Community School Board members
Chancellor
Central Board
State Education Commissioner

Send all letters out Certified-Return Receipt Requested.

(This campaign assumes the "system's" response has been inadequate or negative.)

3. Contact local support groups*

a) businesses, including banks (which have set up community relations offices - a source of possible funds for direct mail operations, etc.)

b) Labor Unions. Many city unions have encouraged community alliances around social and educational issues. (Listed in Yellow Pages and at our office.)

c) Parent Associations

d) Churches

e) Civic Groups

f) Sympathetic Community School Board members

g) Local political leaders and organizations

h) Law related groups - lawyers, legal services, Legal Aid, New York Civil Liberties Union, etc.

i) Colleges and Universities - particularly Community Relations Departments

j) Advocacy groups

*(Advocates for Children has developed a resource file which is available upon request.)

Send out hard-hitting letter to these leadership groups documenting the problem. (Letter should be bilingual if there is a large or significant ethnic population.) The letter should include:

... An eye-catching introduction which should state the general reasons why such a variety of organizations should come together - for example, children are all our business or good community schools make a healthy community, etc.;

... Document the particular issue in terms of how it adversely affects the children and the schools and the community;

... Describe your organization and constituency whose experiences dramatize and document the immediate issue of concernn;

... Briefly describe the "systems" response (See #2);

... Call together a leadership coalition meeting indicating the time and place and a contact person and a telephone number from your agency;

Letters should be followed up by phone calls to reinforce the urgency of the meeting.

4. Leadership meeting agenda. Though your aim is to have tasks and actions commonly arrived at and commonly shared, it is a good idea to prepare in advance of the meeting sample flyers and letters, etc., to help direct the group's efforts.

a) Have people introduce themselves and briefly describe the organizations they represent.

b) Briefly describe the purpose of the meeting.

c) Present the issue and documentation.

d) Invite feedback from the group (within an agreed upon time limit).

e) This might be an appropriate time to ask the group to consider appointing a chairperson to direct and coordinate the rest of the meeting.

f) Task assignments:

1) prepare community leaflet or flyer;

2) prepare petition and locations for distribution (for example, Saturday at a large shopping center, community meetings, church get-togethers, etc.);

3) call community school board for speaking time at their next public agenda meeting;

4) at the same time as (3) above contact a supportive community school board member and ask him or her to introduce a resolution at the CSB Executive session which would include the issue and the remedy you seek for presentation at the next public meeting;

5) get the leadership coalition members to send letters (a sample of which you have already prepared) supporting the remedies you seek to the Superintendent and the Community School Board;

6) prepare a letter or petition to be distributed to the community;

7) establish an agenda and action strategy for a larger community meeting;

8) arrange for car pools and baby sitting services, which should be printed on the flyer.

NOTE: Basically, you have five goals for this meeting:

...establish a good working coalition and get the members to feel the urgency of working together;

...to establish a consensus around a common goal;

...establish a consensus over the tasks to be accomplished in reaching that goal;

...clearly assign tasks so that everyone

feels responsibility for effecting the goal(s);

...try to have an immediate action the group can take, for example, writing letters or signing names to a pre-drafted letter or petition that can go out on the spot.

5. Community Meeting. Note: Depending on the urgency of the issue, you may decide to go directly from the leadership group meeting to the Community School Board. In terms of outreach to the community, your strategy for publicity and leafletting, etc., would have a different focus. You would want the community to come to the meeting and raise the issue in public, arousing community attention and then call for a larger community meeting to put pressure on the Community School Board. The following suggestions are applicable whether you hold the community meeting prior to marching upon the Community School Board or after the Board meeting.

a) sponsoring agencies should introduce themselves, but low-key so as not to impose leadership and agendas;

b) get affected parents to testify, who you will prepare before the meeting;

c) allow time for the community to respond. Anticipate the possibility that the community members may come up with their own agendas. If that happens, here are a few suggestions on how to respond:

1) If there is a sense that the community agenda has more widespread impact and support, accept it, encourage it and act upon it. Remember the political pressure remains the same, the task structure and action strategy remains the same, and the general and most important goal of creating a widely supported issue and community organization will have been established on even firmer foundations.

2) If you do not feel the proposed counter-agenda item has general support, suggest to the member or participant that his item will be addressed and not just given consideration, and that once the organization has been strengthened by acting on the agenda issue and once its identity and force is made known to the power structure, it will make it easier for other equally important issues to be resolved.

d) Task Assignments. Once having established a consensus around the issue:

1) Have a draft petition prepared for signatures at the meeting. Leave room for discussion, but if there is not any significant disagreement with the contents of the petition (which there probably won't be if the issue has been accepted), suggest to the group that time is important and we want to have some action strategy begin now. The petition serves that rallying function.

2) Review the flyer that went out announcing this meeting, which should have described the issue dramatically, and ask for any suggestions as to how it can be made even stronger. Of course this flyer when reprinted will not only include the issue and the remedy you seek but announce a new meeting time - this time at the Community School Board. Once having gotten agreement on the flyer, ask for volunteers to take responsibility for reprinting the flyer.

3) Arrange for a pick-up point where other agencies and organizations can pick up their flyers for general distribution.

4) Clarify and record the various distribution assignments and responsibilities.

5) Get volunteers to speak at the Community School Board meetings and arrange for a time when all speakers can get together to coordinate speeches and strategies.

6) Assign people to call the Community School Board office with speaker names.

7) Arrange for transportation and car pools. Urge parents to bring their children to the meeting if they have no baby-sitting services.

8) Ask for volunteers to put posters in the community to publicize the issue and the meeting. The poster can be an enlarged flyer.

9) Ask for volunteers to make posters for the actual Community School Board meeting.

10) Ask for volunteers to prepare a publicity release for local and major city newspapers, radio and TV stations (if you think the issue is "hot" enough.

11) Do not leave the meeting without collecting the petitions if you have prepared same. Arrange a date for a follow-up community meeting to organize stragegy depending upon the results of the Community School Board meeting.

6. Community School Board Meeting

a) Get the community speakers to meet before the meeting for last minute strategy session. (It is always a good idea to have some of the more publicly recognizable members of your coalition speak first.)

b) One of your speakers - (preferably the last) - should have a resolution prepared that you want the Community School Board to consider and a timetable for a response. (Hopefully you will already have been able to line up some C.S.B. support - see #4 (f,4).

c) One of the first speakers should present any petitions or letters you have collected in support of your issue to the Community School Board. (Wherever possible make copies of the petitions before you submit them so that you can maintain a list of names and addresses to increase the membership of the coalition.)

d) The last speaker or speakers should publiciz e as part of their statements the planned follow-up community meeting, both to inform members of the community in attendance who may be hearing about this issue for the first time, and to inform the Community School Board that you are going to continue to organize around this issue and create a large community organization to monitor not only the resolution of this issue, but other issues that affect our children.

e) Before, during, and after the meeting, community volunteers should be circulating petitions to gather more signatures.

7. Follow-up Community Meeting

a) to discuss the Community School Board's reaction to your public presentation;

b) monitor any resolutions they have agreed to consider;

c) monitor plans for implementation of that resolution;

1) directives to personnel staff
2) letters to parents;

d) if the Community School Board was hostile or resistant, plan additional strategies:

1) Board of Education public meeting which is held the third Tuesday of every month (remember, the Board will not consider any issue involving a Community School Board unless you can document that the Community School Board has been totally resistant) - call 596-5049 the preceding Friday for speaking time.

2) Publicize Community School Board inaction.

3) Get some political "heavies" to pressure the Community and the Central Board.

4) Consider legal action, such as an Article 78 or an administrative appeal (see Advocacy Manual, Section 3).

5) Organize vigils outside Community School Board members' homes.

FOR ADDITIONAL COPIES OF THIS SPECIAL ISSUE OF THE ADVOCATE,

SEND $1.00 FOR POS-

TAGE AND HANDLING. FOR BACK ISSUES (3), ADD $1.50.

FOR ADVOCACY TRAINING WORKSHOPS, CALL OR WRITE ADVOCATES FOR CHILDREN OF NY

WHERE TO FIND

Information and Assistance related to:

Space is too limited to index the critical advocacy resources housed in our project library. Listed below is a brief index of valuable advocacy resource materials. We hope you will find it useful in assembling your own resource library.

I. Education

A. New York City Board of Education

1. Service Directories (including Dvsn. of Special Education & Pupil Personnel Services and High School Division): Central Board of Education telephone directory; Community School District and School Board directory; Circulars; Learning in New York publication - can all be obtained by writing or visiting Office of Public Affairs, Board of Education, 110 Livingston Street, Brooklyn, N.Y. 11201 - (212) 596-4190.

2. Notice of Central Board of Education Public Meetings and Calendars. Write: Office of Secretary, Board of Education, 110 Livingston St., Brooklyn, N.Y. 11201. Notices and Minutes of Community School Board meetings can be obtained by writing your local School Board. (See Freedom of Information law article in this issue which details extent of information to which the public is entitled.)

3. "New York City Community School District System" (a description of the Decentralization Law). Write: Office of Public Affairs, Board of Education.

B. New York State Education Department

1. Personnel Directory. Write: State Education Department office at 2 World Trade Center, Suite 5040, N.Y.C. 10047, (212) 488-3900 or Public Access Office, State Education Dept., Albany, N.Y. 12234.

2. "New York State Education Department News" (news releases). Write: Office of Public Information, State Education Dept., Albany, N.Y. 12234, (518) 474-1201

3. "Inside Education" - New York State Education Dept. publication, Albany. N.Y. 12234.

C. Education News (General)

1. Public Education Assoc. Reports, 20 West 40th St., New York, N.Y. 10018, (212) 354-6100.

2. Education U.S.A., National School Public Relations Assoc., 1801 N. Moore St., Arlington, Va. 22209.

3. "Legislative Bulletin" - N.Y. State School Boards Assoc., 110 Washington Ave., Albany, N.Y. 12210.

D. Parents Associations and Citizens Organizations

1. United Parents Association, 15 East 26 Street, New York, N.Y. 10010, (212) MU 5-3563. Training, information and newsletter available upon request.

2. National Committee for Citizens in Education, Suite 410 Wilde Lake Village Green, Columbia, Md. 21044, (301) 997-9300. Newsletter, parent and community organizing material and training workshops.

E. Student Rights

1. "Students Rights & Responsibilities" circular and pamphlet. Write: Office of Public Affairs, N.Y.C. Board of Education.

2. Guidelines for Students Rights and Responsibilities, Task Force on Student Affairs, State Education Department, Albany, N.Y. 12234 (Attn: David Goldberg)

3. "Manual for Student Expression: The First Amendment Rights of the High School Press" - Student Press Law Center, 1750 Pennsylvania Ave. N.W., Room 1112, Wash., D.C. 20006, (202) 872-1620.

4. The Rights of Students, an American Civil Liberties Union Handbook. Write: NYCLU, 84 Fifth Ave., New York, NY 10011 (212) 924-7800.

5. Youth and the Law Curriculum. How to get it in your school. Write: Open Door, 20 West 40 St., New York, NY 10018, (212) 354-6100.

F. Special Education

1. "Children with Special Needs & N.Y. State Education Law" - Center on Human Policy, 216 Ostrom Ave., Syracuse, N.Y. 13210. Center publishes other invaluable information on rights of the handicapped.

2. "Advocates Guide to New York State Education Laws for Mentally Retarded and other Developmental Disabilities", S.O.A.R. (System of Advocacy for the Retarded), 175 Fifth Ave., New York, N.Y. 10010.

3. "The Federation Report" - Federation of Parents Organizations for the NY State Mental Institutions, 162 West 56 Street, New York, N.Y. 10019, Suite 507, (212) 765-7488, 8424; includes information on all aspects of education and child care for the handicapped.

4. "Closer Look" - National Information Center for the Handicapped, Box 1492, Washington, D.C. 20013.

G. School Breakfast & Lunch Programs
Call or write either Cathy Goldman, New York City School Breakfast Committee, Community Council of Greater New York, 225 Park Avenue South, New York, N.Y. 10003, (212) 777-5000, or Fran Barrett, Technical Assistance Unit, Community Service Society, 105 E. 22nd Street, New York, N.Y. 10010, (212) 254-8900.

II. Mental Health & Community Services

A. Directory of Mental Health Services by borough. Write: Director, Information Systems Unit, Department of Mental Health & Mental Retardation Services, 93 Worth St., New York, N.Y. 10013.

B. Resources for Disturbed Adolescents. Write: Social Service Dept., Mt. Sinai Hospital, 100th St. & Fifth Ave., New York, N.Y. 10029, (212) 650-6860.

C. Bronx Resource Directory. Write: Bronx Council for Advocacy of Children & Youth, 1707 Van Buren Street, Bronx, N.Y. 10460; also publish a newsletter.

D. Mental Health Law Project (newsletter) 1220 19th St. N.W., Washington, D.C. 20036.

III. Legislation (General)

A. "Legislative Education Handbook - A Guide to the New York State Legislature" CUNY Student Senate, 430 E. 80th Street, New York, N.Y. 10021.

B. "Legislative Bulletin," United Neighborhood Houses, 101 East 15th St., New York, N.Y. 10003, (212) 677-0300.

C. See I C.3.

IV. General

A. Foster Care - Parents Rights Unit. Special Services for Children, 80 Lafayette St., New York, N.Y. 10013 (212) 433-5990. Information and Assistance.

B. Juvenile Justice
1. "A Caseworker's Guide to the N.Y. State Juvenile Justice System" - Marion Katzive, Project Attorney, Neighborhood Youth Diversion Program. Published by VERA Institute of Justice, 30 East 39 St., New York, N.Y. 10016. (Everything you must know to get your client through Family Court.)

2. New York Coalition for Juvenile Justice & Youth (Newsletter and membership). Write for information: c/o Federation of Protestant Welfare Agencies, 281 Park Ave. South, New York, N.Y. 10010, (212) 777-4800.

3. "Linkup" - Publication of N.Y. State Division for Youth, 84 Holland Avenue, Albany, N.Y. 12208.

4. "Youth Alternatives" - a publication of National Youth Alternatives Project, 1830 Connecticut Ave. N.W., Washington, D.C. 20009. National clearing house for alternative youth programs and youth worker training programs.

C. Food Stamps. Eligibility information and assistance call: (800) 343-3710. "Breadlines" - Anti Hunger Newsletter of the Food Law Project, Community Action for Legal Services, 335 Broadway, New York, N.Y. 10013, (212) 966-6600.

D. Welfare Rights. Manual, clearinghouse for major issues and appeal decisions, videotapes and speakers, write: Michael O'Connor, Community Action for Legal Services, Inc., 335 Broadway, New York, N.Y. 10013, (212) 966-6600.

E. "The Privacy Report" - ACLU, 22 E. 40th St., New York, N.Y. 10016. Monitors data collection by government and private agencies and impact on individual right to privacy.

V. Consumer Help Organizations & Material

A. Consumer Help Center (212)262-8252
B. WMCA - Call For Action, (212) 586-6666
C. New York City Star, covers labor & community news, how-to articles, help numbers, community calendar. (212)989-6139 156 Fifth ave. NYC 10010, Rm 601